

Tonghoo,	130 miles.
Monean,	120 "
Thayetmyo,	200 "
Meeday,	205 "
Namean,	195 "
Prome,	200 "
Yeagheen,	160 "
Tapoon,	
Tindan,	
Tayngheen,	
Yandoon,	

Below Prome.

Letters addressed to public functionaries, whose head-quarters or residence is in Rangoon, should be addressed "Rangoon," instead of Pegu or Burmah; but if intended for delivery at other Stations, should be addressed to those Stations, the word Rangoon to be omitted.

(Signed) C. M. CRISP,
Post Master.

RANGOON POST OFFICE, }
The 19th June 1854. }

No. 1215.

THE above Notification from the Post Master of Rangoon is published for general information.

J. R. B. BENNETT,
Post-master General.

Calcutta, General Post Office, }
The 5th July 1854. }

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 3rd st July 1854 and Sunday the 6th August 1854, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified:—

Letters received on dates, from and to	By what Ship despatched.	Bound to	Remarks.
31st July 1854,	Steamer Madras,	Penang, Singapore and China,	Left Town on the 1st August 1854.
1st August 1854,	Steamer Canton,	Ditto,	Will sail on the 10th ditto.
31st July 1854,	Glorians,	Cape and London,	Left Town on the 1st ditto.
1st to 3rd August 1854,	Cœur de Lion,	Ditto,	Ditto on the 4th ditto.
31st July to 4th Aug. 1854,	Steamer Tenasserim,	Rangoon & Moulmein,	Ditto on the 5th ditto.
31st ditto to 4th ditto,	The Duke,	Mauritius,	Ditto on the 5th ditto.
5th and 6th ditto,	Futtay Allum,	Ditto,	Ditto on the 6th ditto.

Calcutta, General Post Office, 8th August 1854.

C. K. DOVE,
Deyy. Post-master General.

Notice.

THE Half-yearly General Meeting of the Proprietors of the Calcutta Docking Company will be held at their Office, No. 7, Commercial Buildings, on Wednesday the 9th August, at 11 o'Clock in the forenoon.

By order of the Directors,

T. WILLIAMS,
Superintendent.

Notice.

MR. WILLIAM MAITLAND was admitted a partner in our firm on the 1st instant.

The interest and responsibility of MR. JOHN CARRINGTON PALMER in our firm, ceased on the 30th ultimo.

MACKILLOP, STEWART AND CO.

Calcutta, 14th July 1854.

East India Railway.

ON and after Tuesday the 15th Instant, Trains will leave Howrah and Hooghly, stopping at Bally, Serampore and Chandernagore, at the following hours:—

From Howrah 10-30 A. M. and 5-30 P. M.

„ Hooghly 8-23 A. M. and 3-38 P. M.

On and after the 1st September the Trains will run between Howrah and Pundooah, stopping at all the Stations.

The Carriage to be used as first class Carriages for a short time will be superseded by a superior description of Carriages now in course of construction.

Parties wishing to avail themselves of Monthly or Season Tickets, at reduced rates, are requested to apply at any of the Stations for Forms, to be filled up in writing and forwarded to the Managing Director and Agent.

The official inauguration of the Railway has been deferred, with a view to the public convenience, to Monday the 1st January 1855, when the Line will be opened to Raneeunge, 122 miles, and due notice will be previously given of the arrangements which have been made for the purpose.

R. MACDONALD STEPHENSON,
Managing Director and Agent.
29, Theatre Road,
Calcutta, 7th August 1854. }

Indian Iron.

THE RAILWAY COMPANY have to acknowledge the receipt of several communications with description and specimens of the Iron produced in India, in reply to their advertisement, the object of which was to collect all the data available on the subject before the 1st October next, when it is expected that a qualified practical Iron-viewer will be sent out from England, upon whose report, after personal inspection of the several districts indicated, should it prove favorable, the Indian Iron

Company already completely re-organized, and in active operation on the Western Coast of India, will, it is believed, be prepared to despatch the men and Machinery necessary for at once establishing Iron Works on a limited but sufficient scale, upon the most eligible site which shall have been selected, with due regard to the proximity of the Materials and the convenience of cheap communication.

The Railway Company will require all the Iron that can be produced for some years from this source, and request that any parties who may have delayed sending in their information upon the subject, will endeavour to forward it previous to the 1st October, to admit of its being usefully availed of.

R. MACDONALD STEPHENSON,
Managing Director & Agent.

East India Railway Co.,
29, Theatre Road,
Calcutta, July 21, 1854.

NOTICE.—MR. WILLIAM DENT, Junior, and MR. THOMAS C. LESLIE are this-day admitted Partners in our Firm.

DENT AND CO.

Hong-Kong, }
1st July 1854. }

LOST.—Second half of a Bank of Bengal Note, No. 24,579, for Co.'s Rs. 25, the payment of which has been stopped at the Bank.

Notice.

LOST.—One half of a Bengal Bank Note for Rupees 50, No. 38802.

STOLEN—First halves of Bank of Bengal Notes Nos. 29221 and 29271, from the Electric Telegraph Office at Munglepore.



SECOND SUPPLEMENT TO The Calcutta Gazette.

Published by Authority.

SATURDAY, AUGUST 5, 1854.

No. 784 A. OF 1854.

GENERAL ORDER BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA
IN COUNCIL.

FORT WILLIAM, 31st July, 1854.

THE Most Noble the Governor General of India in Council is pleased to direct that the following Statements, Nos. 1 to 9, exhibiting the consolidated Off-Reckonings of the three Presidencies for the year 1852, also Statements Nos. 10 and 11, containing separate Accounts of the Off-Reckonings of the Invalid and Veteran Battalions under the Presidencies of Fort William, Fort St. George and Bombay, for the same year, be published in General Orders for the information of the Officers concerned :

Distribution detail of the Consolidated Surplus Off-Reckonings of the Presidencies of Fort William, Fort St. George, and Bombay, for the year 1852, comprising the following Statements :

No. 1.

Statement of Interest accruing from the unpaid Balances of the Consolidated Surplus Off-Reckoning Fund, of the three Presidencies of Fort William, Fort St. George, and Bombay, for the year 1852.

FORT WILLIAM.	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Amount of Surplus Off-Reckonings, ... ... ...	.....	...	...	7,17,870	0	5½			
Deduct—Advances to Officers (equal to three) including the Agents on Full Shares the full year, at Company's Rupees 6,400 per annum each Share,	19,200	0	0						
Item—Advances to Ninety-one Officers on the Half Share the full year at £400, or Company's Rupees 3,266 per annum each Share,	2,97,206	0	0						
Item—Advances to Twelve Officers on the Half Share for broken periods; viz. Lieutenant-Generals Sir John Rose, K. C. B., (the late) from 1st January to 10th September inclusive; Alfred Richards, C. B., (the late) from 1st January to 17th November inclusive; Thomas Paterson Smith, (the late) from 1st January to 27th October inclusive; Samuel Smith, (the late) from 1st January to 21st October inclusive; James Caulfeild, C. B., (the late) from 1st January to 4th November inclusive; and Colonels Robert Rich, (the late) from 1st January to 25th May inclusive; George Tomkyns, from 26th May to 31st December inclusive, vice Colonel Robert Rich deceased; Charles Richard William Lane, C. B., from 11th September to 31st December inclusive, vice Lieutenant-General (Colonel) Sir John Rose, K. C. B., deceased; William John Gardiner, C. B., from 28th October to 31st December inclusive, vice Lieutenant-General (Colonel) Thomas Paterson Smith deceased; Henry Lechmere Worrall, from 22nd October to 31st December inclusive, vice Lieutenant-General (Colonel) Samuel Smith deceased; John Bennett Hearsay, C. B., from 5th November to 31st December inclusive, vice Lieutenant-General (Colonel) James Caulfeild, C. B., deceased; and Stephen Moody from 18th November to 31st December inclusive, vice Lieutenant-General (Colonel) Alfred Richards, C. B., deceased, at £400, or Company's Rupees 3,266 per annum each Share,	19,596	0	0						
				3,36,002	0	0			
Leaves bearing Interest,	3,81,868	0	5½						
Amount of Interest on the last mentioned sum from the 1st of January to the 30th June 1854, or for 6 months, at 6 per Cent. per annum,	11,456	0	7						

FORT ST. GEORGE.

	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Amount of Surplus Off-Reckonings, <i>vide</i> Letter No. 704, dated 21st February 1854, from the Deputy Secretary to the Government of India, Military Department, ...	.....	...	...	3,81,906	8	11½			
Deduct—Advance to One Officer on the Full Share the full year, ...	6,400	0	0						
Item—Advances to Two Officers on the Half Share the full year at £543, or Company's Rupees 4,433-14-0 per annum each Share, ...	8,867	12	0						
Item—Advances to Sixty-six Officers on the Half Share the full year at £400, or Company's Rupees 3,266 per annum each Share, ...	2,15,556	0	0						
Item—Advances to Two Officers on the Half Share for broken periods; <i>viz.</i> , Lieutenant-General T. Stewart, (the late) from 1st January to 24th March inclusive, and Colonel J. K. Luard, from 25th March to 31st December inclusive, <i>vice</i> Lieutenant-General (Colonel) T. Stewart, deceased at £400, or Company's Rupees 3,266 per annum each Share, ...	3,266	0	0						
Item—Advance to the Officer Commanding the 1st Native Veteran Battalion (Lieutenant-Colonel C. Hosmer) the full year at £400, or Company's Rupees, ...	3,226	0	0						
Item—Advance to the Officer Commanding the 2nd Native Veteran Battalion (Lieutenant-Colonel C. Taylor) from 9th to 31st December inclusive, at £400, or Company's Rupees 3,266, ...	205	3	10						
				2,37,560	15	10			
Leaves bearing Interest, ...	1,44,345	9	1½						
Amount of Interest on the last mentioned sum as above, ...							4,330	5	10

BOMBAY.

	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Amount of Surplus Off-Reckonings, <i>vide</i> Letter No. 239, dated 9th February 1854, from the Deputy Secretary to the Government of India, Military Department ...	2,14,238	3	0			
Add—Amount of the average rate of Exchange between India and England on Clothing Stores imported during the year 1852-53, <i>vide</i> Statement received under cover of Letter dated 10th May 1854, from the Secretary to the Clothing Board, Bombay, ...	6,671	1	9			
Deduct—Advances to three Officers on the Full Share (including the Agent) at Company's Rupees 6,400 per annum each Share, ...	19,200	0	0	2,20,909	4	9
Item—Advances to thirty-two Officers on the Half Shares the full year, at £400, or Company's Rupees 3,266 per annum each Share, ...	1,04,512	0	0			
Item—Advances to eight Officers on the Half Share for broken periods, <i>viz.</i> , Lieutenant-General E. W. Shuldharn, (the late) from 1st January to 17th November inclusive, and Colonels R. Taylor, (the late) from 1st January to 21st February inclusive; Alexander Manson, c. b., (the late) from 1st January to 23rd February inclusive; W. Spiller, (the late) from 1st January to 25th June inclusive; G. J. Wilson, from 22nd February, to 31st December inclusive, <i>vice</i> Colonel R. Taylor, deceased; F. P. Lester, from 24th February to 31st December inclusive, <i>vice</i> Colonel A. Manson, c. b., deceased; F. T. Farrell, from 26th June to 31st December inclusive, <i>vice</i> Colonel W. Spiller, deceased; and K. G. Roberts, from 18th November to 31st December inclusive, <i>vice</i> Lieutenant-General (Colonel) E. W. Shuldharn, deceased, at £400, or Company's Rupees 3,266 per annum each Share, ...	18,064	0	0			
				1,36,776	0	0
Leaves bearing Interest, ...	84,133	4	9			
Interest on the last mentioned sum as above, ...				2,523	15	11
Total Interest for the three Presidencies Company's Rupees Eighteen Thousand, Three Hundred and Ten, Six Annas and Four Pie, ...				18,310	6	4

No. 2.

Statement of Surplus Off-Reckonings of the Presidencies of Fort William, Fort St. George and Bombay, for the year 1852, showing the amount to be divided amongst Colonels of Corps, and other Sharers of the Consolidated Fund, after deducting the sums payable to Lieutenant Colonels of the Invalid Establishment, Commanding Veteran Battalions of Fort St. George and Bombay, agreeably to the rule laid down in General Orders by the Governor General, No. 229, dated 29th September 1826, and Letter from the Secretary to the Government in the Military Department, No. 488, of the 22nd December 1826.

FORT WILLIAM.				Co.'s Rs.	A.	P.	FORT ST. GEORGE.				Co.'s Rs.	A.	P.
Amount of Surplus Off-Reckonings,	...	...	...	7,17,870	0	5½							
Add—Interest on the same allowed by Government, as per Statement No. 1,	...			11,456	0	7							
Leaves Surplus appertaining to the Presidency of Fort William,	...	...	...				7,29,326	1	0½				
Amount of S Off-Reckonings,	...	...	...	3,81,906	8	11½							
Add—Interest on the same allowed by Government, as per Statement No. 1,	...			4,330	5	10							
Gives, Deduct as per	...	...	...	3,86,236	14	9½							
able to the Officers Commanding the Veteran Battalions, No. 11,	...	...	...	6,556	5	8							
Leaves Surplus appertaining to the Presidency of Fort St. George,	...	...	...				3,79,680	9	1½				
Amount of Surplus Off-Reckonings,	...	...	...	2,20,909	4	9							
Add—Interest on the same allowed by Government as per Statement No. 1,	...			2,523	15	11							
Leaves Surplus appertaining to the Presidency of Bombay,	...	...	...				2,23,433	4	8				
Total Net Surplus Off-Reckonings appertaining to the Consolidated Fund of the three Presidencies, Company's Rupees Thirteen Lacs, Thirty-two Thousand, Four Hundred and Thirty-nine, Fourteen Anna and Ten Pie,	...	...	...				13,32,439	14	10				
Abstract of Shares in the foregoing Surplus showing the amount of each :—													
Presidency of Fort William, ...	1 Full Share, the full period, equal to 91 Half Shares.												
	91 Half Shares, ditto, ditto	to 91 ditto.											
	12 Ditto, for broken periods, do.	to 6 ditto.											
	4 Army Clothing Agents, for broken periods, ditto,	to 4 ditto.											
	103 × 366 days give		...										37,698 Days.
Presidency of Fort St. George, ...	1 Full Share, the full period, equal to 68 Half Shares, ditto, ditto	to 68 ditto.											
	2 Ditto, for broken periods, ditto	to 1 ditto.											
	71 × 366 days give		...										25,986 Days.
Presidency of Bombay, ...	2 Full Shares, the full periods, equal to 32 Half Shares, ditto, ditto	to 32 ditto.											
	8 Ditto, for broken periods, ditto	to 4 ditto.											
	1 Army Clothing Agent, full year	to 2 ditto.											
	42 × 366 days give		...										15,372 Days.
	Total, ... 216 Half Shares,		...										
	Co.'s Rs.	As.	P.										
9,056 Days at Company's Rupees 16-13-8.041 per day, equal to Company's Rupees, ...	13,32,439	14	1·296										
Lost by fractions, ...	.0	0	8·704										
Total as above, Company's Rupees, ...	13,32,439	14	10										
Company's Rupees 16-13-8.041 per day for 366 days make a Half Share, ...	6,168	11	8·006										
366 days make a Full Share, ...	12,337	6	6·012										

Thus the Shares will stand exclusive of fraction of a pie—

			Co.'s Rs.	As.	P.
Fort William,	.....	103 Half Shares for 366 days, at Co.'s Rs. 6,168-11-3, equal to	...	6,35,376	6 9
Fort St. George,	.....	71 ditto for 366 days, at Co.'s Rs. 6,168-11-3, ditto	...	4,37,977	14 9
Bombay,	.....	42 ditto for 366 days, at Co.'s Rs. 6,168-11-3, ditto	...	2,59,085	8 6
				13,32,439	14 0
		Lost by fraction,	...	0	0 10
		Total as above, Company's Rupees,	...	13,32,439	14 10

No. 3.

Statement of the Names of Officers of the Presidencies of Fort William, Fort St. George and Bombay, entitled to Share in the Consolidated Surplus Off-Reckonings for the year 1852, and showing the amount accruing to each Individual.

			Co.'s Rs.	As.	P.		As.	P.
		FORT WILLIAM.						
		Colonel of a Regiment on the Full Share.						
Lieut.-General George Carpenter,	.....	Full year,	12,337	6	6			
		Colonels of Regiments on the Half Share.						
Lieut.-General John Greenstreet,	.....	Full year,	6,168	11				
" " Martin White,	.....	ditto,	6,168	1				
" " Sir John Rose, K. C. B., (the late,) from 1st January to 10th September inclusive,	.....	.....	4,281					
" " John Alexander Paul MacGregor,	.....	Full year,	6,168					
" " Sir William Richards, K. C. B.,	.....	ditto,	6,168					
" " Alexander Duncan,	.....	ditto,	6,168	1				
" " Robert James Latter,	.....	ditto,	6,168	11				
" " Duncan McPherson, (the late,)	.....	ditto,	6,168	11	3			
" " Sir Robert Houstoun, K. C. B.,	.....	ditto,	6,168	11	3			
" " Archibald Watson,	.....	ditto,	6,168	11	3			
" " Mossom Boyd,	.....	ditto,	6,168	11	3			
" " John MacInnes,	.....	ditto,	6,168	11	3			
" " Patrick Byres, (the late,)	.....	ditto,	6,168	11	3			
" " Edmund Cartwright, (the late,)	.....	ditto,	6,168	11	3			
" " Alfred Richards, C. B., (the late,) from 1st January to 17th November inclusive,	.....	.....	5,427	1	9			
" " James A'hmury,	.....	Full year,	6,168	11	3			
" " Henry Hodgson,	.....	ditto,	6,168	11	3			
" " Sir Robert Henry Cunliffe, Bt. and C. B.,	.....	ditto,	6,168	11	3			
" " John Truscott,	.....	ditto,	6,168	11	3			
" " Henry Huthwaite, (the late,)	.....	ditto,	6,168	11	3			
" " Harry Thomson,	.....	ditto,	6,168	11	3			
" " James Kennedy, C. B.,	.....	ditto,	6,168	11	3			
" " George Swiney,	.....	ditto,	6,168	11	3			
" " Thomas Wilson, C. B.,	.....	ditto,	6,168	11	3			
" " Sir George Pollock, G. C. B.,	.....	ditto,	6,168	11	3			
" " Sir Walter Raleigh Gilbert, Bt. and G. C. B., (the late,)	.....	ditto,	6,168	11	3			
" " Thomas Paterson Smith, (the late,) from 1st January to 27th October inclusive,	.....	.....	5,073	2	9			
" " Alexander Lindsay, C. B.,	.....	Full year,	6,168	11	3			
" " Suetonius Henry Tod,	.....	ditto,	6,168	11	3			
" " Benjamin Roope,	.....	ditto,	6,168	11	3			
" " Thomas Shubrick,	.....	ditto,	6,168	11	3			
" " Samuel Smith, (the late,) from 1st January to 21st October inclusive,	.....	.....	4,972	0	8			
" " Henry Tuffnel Roberts, C. B.,	.....	Full year,	6,168	11	3			
" " Charles William Hamilton,	.....	ditto,	6,168	11	3			
" " Edmund Frederick Waters, C. B.,	.....	ditto,	6,168	11	3			
" " Sir William Samson Whish, K. C. B., (the late,)	.....	ditto,	6,168	11	3			
Colonel Warren Hastings Leslie Frith, (the late,)	.....	ditto,	6,168	11	3			
" " Samuel Shaw,	.....	ditto,	6,168	11	3			
Lieut.-General Richard Collyer Andree,	.....	ditto,	6,168	11	3			
" " James Caulfeild, C. B., (the late,) from 1st January to 4th November inclusive,	.....	.....	5,208	0	0			

			Co.'s Rs.	As.	P.	Co.'s Rs.	As.	P.
Lieut.-General William Henry Kemm,	...	Full Year,	6,168	11	3			
" Sir John Hunter Littler, G. C. B.,	.....	ditto,	6,168	11	3			
" William Vincent,	...	ditto,	6,168	11	3			
" Thomas Henry Paul,	...	ditto,	6,168	11	3			
" George Hunter, c. b.,	...	ditto,	6,168	11	3			
" Ezekiel Barton,	...	ditto,	6,168	11	3			
Colonel Mark Carter Webber, (the late,) ...	.....	ditto,	6,168	11	3			
Charles Ramsay Skardon,	...	ditto,	6,168	11	3			
" Samuel Swinhoe,	...	ditto,	6,168	11	3			
" John Anderson,	...	ditto,	6,168	11	3			
" Frederick Young,	...	ditto,	6,168	11	3			
" William R. C. Costley,	...	ditto,	6,168	11	3			
" Robert Rich, (the late,) from 1st January to 25th May inclusive,	.....	2,460	11	10				
Colonel Alexander Dick,	...	Full Year,	6,168	11	3			
Thomas Fiddes,	...	ditto,	6,168	11	3			
" William Pattle, c. b.,	...	ditto,	6,168	11	3			
" Abraham Roberts, c. b.,	...	ditto,	6,168	11	3			
" Charles Arthur Grenado Wallington,	...	ditto,	6,168	11	3			
" Thomas Oliver,	...	ditto,	6,168	11	3			
" Richard Powney,	...	ditto,	6,168	11	3			
" Thomas Palmer, (the late,)	...	ditto,	6,168	11	3			
" Duncan Gordon Scott,	...	ditto,	6,168	11	3			
" Henry Hall, c. b., *	...	ditto,	6,168	11	3			
" George Edward Gowen, c. b.,	...	ditto,	6,168	11	3			
" Sir James Tennant, K. C. B., (the late,)	...	ditto,	6,168	11	3			
" Matthew Coombs Paul,	...	ditto,	6,168	11	3			
" George Petre Wymer, c. b.,	...	ditto,	6,168	11	3			
" Thomas Monteath Douglas, c. b.,	...	ditto,	6,168	11	3			
" Joseph Harris,	...	ditto,	6,168	11	3			
" John Tulloch, c. b.,	...	ditto,	6,168	11	3			
" Walter Alexander Yates, c. b., (the late,)	...	ditto,	6,168	11	3			
" Sir Hugh Massey Wheeler, K. C. B.,	...	ditto,	6,168	11	3			
" James Stuart, c. b.,	...	ditto,	6,168	11	3			
" William Henry Hewitt,	...	ditto,	6,168	11	3			
" John Home,	...	ditto,	6,168	11	3			
" George William Aylmer Lloyd, c. b.,	...	ditto,	6,168	11	3			
" Frederick Buckley, (the late,)	...	ditto,	6,168	11	3			
" Robert Blackall,	...	ditto,	6,168	11	3			
" William Burroughs, (the late,)	...	ditto,	6,168	11	3			
" James Eckford, c. b.,	...	ditto,	6,168	11	3			
" Samuel Speck,	...	ditto,	6,168	11	3			
" Andrew Hervey, c. n.,	...	ditto,	6,168	11	3			
" George Richard Pemberton,	...	ditto,	6,168	11	3			
" Stephen Davis Riley,	...	ditto,	6,168	11	3			
" Richard Benson, c. b.,	...	ditto,	6,168	11	3			
" Robert Ross,	...	ditto,	6,168	11	3			
" Archibald Fullerton Richmond, c. b.,	...	ditto,	6,168	11	3			
" Christopher Godby, c. b.,	...	ditto,	6,168	11	3			
" David Williamson,	...	ditto,	6,168	11	3			
" John James Farrington,	...	ditto,	6,168	11	3			
" Christopher Dixon Wilkinson, c. b.,	...	ditto,	6,168	11	3			
" William Henry Marshall,	...	ditto,	6,168	11	3			
" John Graham,	...	ditto,	6,168	11	3			
" George Brooke, c. b.,	...	ditto,	6,168	11	3			
" Charles Montabin Carmichael, c. b.,	...	ditto,	6,168	11	3			
" Richard Home,	...	ditto,	6,168	11	3			
" Alexander Carnegie,	...	ditto,	6,168	11	3			
George Tomkyns,	From the 26th May to the 31st December inclusive, vice Colonel Robert Rich, deceased, ...	3,707	15	5				
Charles Richard William Lane, c. b.,		1,887	11	0				
William John Gairdner, c. b.,	From the 28th October to the 31st December inclusive, vice Lieut.-General (Colonel) T. P. Smith, deceased, ...	1,095	8	6				
Henry Lechmere Worrall,		1,196	10	7				
John Bennett Hearsey, c. b.,	From the 5th November to the 31st December inclusive, vice Lieut.-General (Colonel) J. Caulfeild, c. b., deceased, ...	960	11	3				
Stephen Moody,		741	9	6				

	<i>Army Clothing Agents.</i>		Co.'s Rs.	A.s.	P.	Co.'s Rs.	A.s.	P.
1st Division, Major A. Tucker, c. b.,	On the Full Share, from 1st January to 8th April inclusive, and on the Half Share, (being on Sick Leave,) from 9th April to 31st December inclusive.		7,837	4	7			
Ditto, Major T. T. Tucker, Offg.,	On the Half Share, from 9th April to 31st December inclusive,		4,500	1	11			
2nd Division,	Lieut. Colonel Thomas Sewell, 1st January to 4th February inclusive,		1,179	12	11			
	Captain M. J. Turnbull, February to 31st December inclusive,		11,157	9	7			
N. B. The following Officers are also entitled to the additional Half Share, from the General Treasury :—						6,35,376	6	9
Lieut.-General John Greenstreet,	Full Year,		6,168	11	3			
" " Martin White,	ditto,		6,168	11	3			
" " Sir John Rose, k. c. b., (the late,) from 1st January to 10th September inclusive,	.....		4,281	0	3			
Total Payable on account of Treasury Shares of the Presidency of Fort William, Company's Rupees Sixteen Thousand, Six Hundred and Eighteen, six annas and nine pie,			16,618	6	9			

FORT ST. GEORGE.

Colonel of a Regiment on the Full Share.

General T. Clarke, Full Year,	12,337	6	6
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Colonels of Regiments on the Half Share.

Lieut.-General Sir H. S. Scott, k. c. b., ...	Full Year,	6,168	11	3
" " J. Welsh, ...	ditto,	6,168	11	3
" " E. M. G. Showers, ...	ditto,	6,168	11	3
" " W. M. Burton, ...	ditto,	6,168	11	3
" " W. Cullen, ...	ditto,	6,168	11	3
Colonel J. Ketchen, ...	ditto,	6,168	11	3
" P. Montgomerie, c. b., ...	ditto,	6,168	11	3
" G. Conran, ...	ditto,	6,168	11	3
Lieut.-General Sir J. Russell, k. c. b., ...	ditto,	6,168	11	3
" " Sir J. Doveton, k. c. b., ...	ditto,	6,168	11	3
" " Sir J. L. Lushington, g. c. b., ...	ditto,	6,168	11	3
" " J. Collette, ...	ditto,	6,168	11	3
" " P. Cameron, ...	ditto,	6,168	11	3
Colonel F. L. Doveton, ...	ditto,	6,168	11	3
" G. Sandys, ...	ditto,	6,168	11	3
" D. Macleod, ...	ditto,	6,168	11	3
Lieut.-General R. Podmore, ...	ditto,	6,168	11	3
" " M. L. Pereira, ...	ditto,	6,168	11	3
" " J. Munro, ...	ditto,	6,168	11	3
" " Sir J. Prendergast, Kt., ...	ditto,	6,168	11	3
" " T. Stewart, (the late,) from 1st January to 24th March inclusive,	Full Year,	1,415	12	3
" " A. Fair, c. b., ...	ditto,	6,168	11	3
" " W. C. Fraser, ...	ditto,	6,168	11	3
" " A. Andrews, c. b., ...	ditto,	6,168	11	3
" " Sir C. Macleod, k. c. b., ...	ditto,	6,168	11	3
" " H. G. A. Taylor, c. b., ...	ditto,	6,168	11	3
" " B. B. Parlby, c. b., ...	ditto,	6,168	11	3
" " J. Woulfe, ...	ditto,	6,168	11	3
" " F. W. Wilson, c. b., ...	ditto,	6,168	11	3
" " J. Carfrae, ...	ditto,	6,168	11	3
" " R. West, ...	ditto,	6,168	11	3
" " G. Jackson, ...	ditto,	6,168	11	3
" " J. S. Fraser, ...	ditto,	6,168	11	3
" " J. Briggs, ...	ditto,	6,168	11	3
" " G. M. Steuart, ...	ditto,	6,168	11	3
" " M. Cubbon, ...	ditto,	6,168	11	3
" " T. King, ...	ditto,	6,168	11	3
" " T. Marrett, ...	ditto,	6,168	11	3

			Full Year,	Co.'s Rs.	As.	P.	Co.'s Rs.	As.	P.
Colonel	J. Henry,	...	ditto,	6,168	11	3			
"	H. Walpole,	...	ditto,	6,168	11	3			
"	C. Herbert, C. B.,	...	ditto,	6,168	11	3			
"	J. Perry,	...	ditto,	6,168	11	3			
"	H. Ross,	...	ditto,	6,168	11	3			
"	J. Anderson,	...	ditto,	6,168	11	3			
"	J. Morgan, C. B.,	...	ditto,	6,168	11	3			
"	J. P. James,	...	ditto,	6,168	11	3			
"	J. Low, C. B.,	...	ditto,	6,168	11	3			
"	F. Haleman,	...	ditto,	6,168	11	3			
"	A. Tulloch, C. B.,	...	ditto,	6,168	11	3			
"	A. B. Dyce,	...	ditto,	6,168	11	3			
"	J. W. Cleveland,	...	ditto,	6,168	11	3			
"	T. G. Newell,	...	ditto,	6,168	11	3			
"	P. Whannell,	...	ditto,	6,168	11	3			
"	S. W. Steel, C. B.,	...	ditto,	6,168	11	3			
"	J. Leggett,	...	ditto,	6,168	11	3			
"	M. Tweedie,	...	ditto,	6,168	11	3			
"	C. D. Dun,	...	ditto,	6,168	11	3			
"	H. Dowker,	...	ditto,	6,168	11	3			
"	H. Sargent,	...	ditto,	6,168	11	3			
"	L. W. Watson,	...	ditto,	6,168	11	3			
"	J. Garnault,	...	ditto,	6,168	11	3			
"	J. Bell,	...	ditto,	6,168	11	3			
"	W. Taylor,	...	ditto,	6,168	11	3			
"	W. Watkins,	...	ditto,	6,168	11	3			
"	J. Lawrie,	...	ditto,	6,168	11	3			
"	J. E. Williams,	...	ditto,	6,168	11	3			
"	R. Alexander,	...	ditto,	6,168	11	3			
"	J. D. Stokes,	...	ditto,	6,168	11	3			
"	W. J. Butterworth, C. B.,	...	ditto,	6,168	11	3			
"	J. K. Luard, C. B., from 25th March to 31st December inclusive, vice Lieutenant-General (Colonel) T. Stewart, deceased,	...	}	4,752	15	0			
							4,37,977	14	9
N. B.—The following Officers are entitled to the additional Half Share from the General Treasury, <i>viz.</i>									
Lieut.-General Sir H. S. Scott, K. C. B.,	...	Full Year,	6,168	11	3				
" " J. Welsh,	...	ditto,	6,168	11	3				
Total Payable on account of Treasury Shares of the Presidency of Fort St. George, Company's Rupees Twelve Thousand, Three Hundred and Thirty-seven, Six Annaas and Six Pie,	...		12,337	6	6				

BOMBAY.

Colonels of Regiments on the Full Share.

Lieut.-General H. S. Osborne,	...	Full Year,	12,337	6	6
" " Sir D. Leighton, K. C. B.,	...	ditto,	12,337	6	6

Colonels of Regiments on the Half Share.

Lieut.-General G. R. Kemp,	...	Full Year,	6,168	11	3
" " J. F. Dyson,	...	ditto,	6,168	11	3
" " W. Gilbert,	...	ditto,	6,168	11	3
" " B. Kennett,	...	ditto,	6,168	11	3
" " R. Whish,	...	ditto,	6,168	11	3
" " E. W. Shuldham, (the late,) from 1st January to 17th November inclusive,	...	}	5,427	1	9
" " W. Sandwith, C. B.,	...	Full Year,	6,168	11	3
" " J. F. Salter, C. B.,	...	ditto,	6,168	11	3
" " P. Delamotte, C. B.,	...	ditto,	6,168	11	3
" " E. Frederick, C. B.,	...	ditto,	6,168	11	3
" " G. B. Brooks,	...	ditto,	6,168	11	3
" " P. Lodwick,	...	ditto,	6,168	11	3
" " J. Morse,	...	ditto,	6,168	11	3
" " S. R. Strover, (the late,)	...	ditto,	6,168	11	3
" " T. Morgan,	...	ditto,	6,168	11	3
" " D. Barr,	...	ditto,	6,168	11	3
" " F. Farquharson,	...	ditto,	6,168	11	3
" " Sir Henry Pottinger, Bt., G. C. B.,	...	ditto,	6,168	11	3

			Co.'s Rs.	As.	P.	Co.'s Rs.	As.	P.
Colonel R. Taylor, (the late,) from 1st January to 21st February inclusive,	.....	.....	876	6	10			
" M. E. Bagnold,	....	Full Year,	6,168	11	3			
" J. G. Griffith,	....	ditto,	6,168	11	3			
" Alexander Manson, c. b., (the late,) from 1st January to 23rd February inclusive,	.....	.....	910	2	3			
" C. B. James,	....	Full Year,	6,168	11	3			
" J. H. Dunsterville,	....	ditto,	6,168	11	3			
" C. Payne,	....	ditto,	6,168	11	3			
" C. Ovens,	....	ditto,	6,168	11	3			
" D. Capon, c. b.,	....	ditto,	6,168	11	3			
" W. D. Robertson,	....	ditto,	6,168	11	3			
" M. Soppitt,	....	ditto,	6,168	11	3			
" F. Schuler,	....	ditto,	6,168	11	3			
" W. Spiller, (the late,) from 1st January to 25th June inclusive,	....	2,983	3	7				
" George Moore,	....	Full Year,	6,168	11	3			
" T. Leighton,	....	ditto,	6,168	11	3			
" F. Stalker, c. b.,	....	ditto,	6,168	11	3			
" D. Cunningham,	....	ditto,	6,168	11	3			
" G. J. Wilson,	{ From 22nd February to 31st December inclusive, vice Colonel R. Taylor, deceased,	5,292	4	5				
" F. P. Lester,	{ From 24th February to 31st December inclusive, vice Colonel A. Manson, deceased,	5,258	9	0				
" F. T. Farrell,	{ From 26th June to 31st December inclusive, vice Colonel W. Spiller, deceased,	3,185	7	8				
" H. G. Roberts,	{ From 18th November to 31st December inclusive, vice Lieutenant-General (Colonel) E. W. Shuldham, deceased,	741	9	6				
Lieutenant Colonel Comdt. M. Stack, c. b.,	.....	Full Year,	6,168	11	3			

Army Clothing Agent.

Major B. Crispin, (on the Full Share,) .....	.....	Full Year,	12,337	6	6		2,59,085	8	6
N. B.—The following Officers are entitled to the additional Half Share from the General Treasury :—									
Lient.-General G. R. Kemp,	....	.....	6,168	11	3				
" " J. F. Dyson,	....	ditto,	6,168	11	3				
Total Payable on account of the Treasury Shares of the Presidency of Bom-bay, Company's Rupees Twelve Thousand, Three Hundred and Thirty Seven, Six Annas, and Six Pie.									
Total Payable to the Sharers of Fort William, Fort St. George and Bombay, Company's Rupees Thirteen Lacs, Thirty-two Thousand, Four Hundred and Thirty-nine and Fourteen Annas, ....	.....		12,337	6	6		13,32,439	14	0

RECAPITULATION.

Total Amount of Shares of Fort William,	.....	.....	Co.'s Rs.	As.	P.
Ditto Fort St. George,	.....	.....	6,35,376	6	9
Ditto Bombay,	.....	.....	4,37,977	14	9
Total as per Statement No. 3,.....	.....	.....	2,59,085	8	6
			13,32,439	14	0

No. 4.

Statement of the Balance of Shares of Off-Reckonings for the year 1852, payable to the Sharers of the Presidency of Fort William, who are in India, or to the Heirs, Administrators or Assigns of those who have died in India.

HALF SHARERS.		Co.'s Rs.	As.	P.	Co.'s Rs.	As.	P.
Lient.-General Sir William Richards, K. C. B., ...	Full Year,	6,168	11	3			
Deduct Advance ordered, ...		3,266	0	0			
" " James Kennedy, C. B., ...	ditto,	6,168	11	3			
Deduct Advance ordered, ...		3,266	0	0			
		2,902	11	3			
		2,902	11	3			

				Full Year, ditto,	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Colonel Samuel Shaw,	...	...	...	6,168	11	3				
	Deduct advance ordered,	...	...	3,266	0	0				
Lieut. General William Vincent,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Colonel Mark Carter Webber,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Frederick Young,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Robert Rich, (the late) from 1st Jany to 25th May inclusive,	...	...	...	2,460	11	10				
	Ditto	ditto,	...	1,302	13	3				
Alexander Dick,	...	...	...	6,168	11	3	1,157	14	7	
	Ditto	ditto,	...	3,266	0	0				
Thomas Palmer, (the late),	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
George Edward Gowan, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Sir James Tennant, k. c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Walter Alexander Yates, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
William Henry Hewitt,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
George William Aylmer Lloyd, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Frederick Buckley, (the late,))	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	...to,	...	3,266	0	0				
James Eckford, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Andrew Hervey, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Stephen D. Riley,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Christopher D. Wilkinson, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
George Brooke, c. b.,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
Richard Home,	...	...	...	6,168	11	3	2,902	11	3	
	Ditto	ditto,	...	3,266	0	0				
<hr/>										
<i>Army Clothing Agents.</i>										
1st Division, Major T. T. Tucker, Officiating, Half Share, from 9th April to 31st December inclusive, ...	...	...	...	4,500	1	11				
Deduct Advance paid in Monthly Bills,	...	...	...	2,328	14	3	2,171	3	8	

		Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
2nd Division,	Lieut. Colonel Thomas Sewell, Full Share, from 1st January to 4th February inclusive, ...	1,179	12	11	.	.	.
	Deduct Advance paid in Monthly Bills, ...	588	8	1	591	4	10
	Capt. M. J. Turnbull, Full Share, from 5th February to 31st December inclusive, ...	11,157	9	7			
	Deduct Advance paid in Monthly Bills, ...	5,811	7	11	5,346	1	8
	Total Balance of Off-Reckonings payable in India on account of Sharers of the Presi- dency of Fort William, for the year 1852, Company's Rupees Sixty-seven Thousand, Three Hundred and Twenty, Nine Annas and Nine Pie, ...	67,320	9	9			

No. 5.

Statement of Shares of the Off-Reckoning Fund for the year 1852, payable to the Sharers of the Presidency of Fort William who are in Europe, or who have died in Europe, showing the sums to be deducted from the Shares of those who have received advances in India.

		Co.'s Rs.	A.	P.
FULL SHARER.				
Lieut.-General George Carpenter,	... ... ... ...	Full year,	12,337	6 6
HALF SHARERS.				
Lieut. General John Greenstreet,	... ... ... ...	Full Year,	6,168	11 3
", Martin White,	... ... ... ...	ditto,	6,168	11 3
", Sir John Rose, K. C. B., (the late)	1st January to 10th September inclusive,	4,281	0 3	
", John Alexander Paul MacGregor,	... ... ... ...	Full-Year,	6,168	11 3
", Alexander Duncan,	... ... ... ...	ditto,	6,168	11 3
", Robert James Latter,	... ... ... ...	ditto,	6,168	11 3
", Duncan McPherson, (the late)	... ... ... ...	ditto,	6,168	11 3
", Sir Robert Houstoun, K. C. B.	... ... ... ...	ditto,	6,168	11 3
", Archibald Watson,	... ... ... ...	ditto,	6,168	11 3
", Mossom Boyd,	... ... ... ...	ditto,	6,168	11 3
", John MacInnes,	... ... ... ...	ditto,	6,168	11 3
", Patrick Byres, (the late)	... ... ... ...	ditto,	6,168	11 3
", Edmund Cartwright (the late)	... ... ... ...	ditto,	6,168	11 3
", Alfred Richards, C. B., (the late) from 1st January to 17th November inclusive,	5,427	1 9		
", James A'hmuty,	... ... ... ...	Full Year,	6,168	11 3
", Henry Hodgson,	... ... ... ...	ditto,	6,168	11 3
", Sir Robert Henry Cunliffe, Bt. and C. B.,	... ... ... ...	ditto,	6,168	11 3
", John Truscott,	... ... ... ...	ditto,	6,168	11 3
", Henry Huthwaite, (the late,)	... ... ... ...	ditto,	6,168	11 3
", Harry Thomson,	... ... ... ...	ditto,	6,168	11 3
", George Swiney,	... ... ... ...	ditto,	6,168	11 3
", Thomas Wilson, C. B.,	... ... ... ...	ditto,	6,168	11 3
", Sir George Pollock, G. C. B.,	... ... ... ...	ditto,	6,168	11 3
", Sir Walter Raleigh Gilbert, Bt., & G. C. B., (the late)	Full year, 6,168	11 3		
", Deduct Advance ordered in India,	... ... ... ...	3,266 0 0		
			2,902	11 3
", Thomas Paterson Smith, (the late) from 1st January to 27th October inclusive,	5,073	2 9		
", Alexander Lindsay, C. B.,	... ... ... ...	Full year,	6,168	11 3
", Suetonius Henry Tod,	... ... ... ...	ditto,	6,168	11 3
", Benjamin Roope,	... ... ... ...	ditto,	6,168	11 3
", Thomas Shubrick,	... ... ... ...	ditto,	6,168	11 3
", Samuel Smith, (the late) from 1st January to 21st October inclusive,	4,972	0 8		
", Henry Tuffnel Roberts, C. B.,	... ... ... ...	Full year,	6,168	11 3
", Charles William Hamilton,	... ... ... ...	ditto,	6,168	11 3
", Edmund Frederick Waters, C. B.,	... ... ... ...	ditto,	6,168	11 3
", Sir William Samson Whish, K. C. B., (the late,)	... ... ... ...	ditto,	6,168	11 3
Colonel Warren Hastings Leslie Frith, (the late)	... ... ... ...	ditto,	6,168	11 3

			Co.'s Rs.	A.	P.
Lieut.-General Richard Collyer Andree,	... ... ...	Full year,	6,168	11	3
" " James Caulfeild, c. b., (the late,) from 1st January to 4th Nov. inclusive,	... ... ...	ditto,	5,208	0	0
" " William Henry Kemm,	... ... ...	ditto,	6,168	11	3
" " Sir John Hunter Littler, G. C. B.,	... ... ...	ditto,	6,168	11	3
" " Thomas Henry Paul,	... ... ...	ditto,	6,168	11	3
" " George Hunter, C. B.,	... ... ...	ditto,	6,168	11	3
" " Ezekiel Barton,	... ... ...	ditto,	6,168	11	3
Colonel Charles Ramsay Skardon,	... ... ...	ditto,	6,168	11	3
" Samuel Swinhoe,	... ... ...	ditto,	6,168	11	3
" John Anderson,	... ... ...	ditto,	6,168	11	3
" William R. C. Costley,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
Thomas Fiddes,	... ... ...	Full year,	6,168	11	3
" William Pattle, C. B.,	... ... ...	ditto,	6,168	11	3
" Abraham Roberts, C. B.,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
Charles Arthur Grenado Wallington,	... ... ...	Full year,	6,168	11	3
Thomas Oliver,	... ... ...	ditto,	6,168	11	3
" Richard Powney,	... ... ...	ditto,	6,168	11	3
" Duncan Gordon Scott,	... ... ...	ditto,	6,168	11	3
" Henry Hall, C. B.,	... ... ...	ditto,	6,168	11	3
" Matthew Coombs Paul,	... ... ...	ditto,	6,168	11	3
" George Petre Wymer, C. B.,	... ... ...	ditto,	6,168	11	3
" Thomas Monteath Douglas, C. B.,	... ... ...	ditto,	6,168	11	3
" Joseph Harris,	... ... ...	ditto,	6,168	11	3
" John Tulloch, C. B.,	... ... ...	ditto,	6,168	11	3
" Sir Hugh Massey Wheeler, K. C. B.,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
James Stuart, C. B.,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
" John Home,	... ... ...	Full year,	6,168	11	3
" Robert Blackall,	... ... ...	ditto,	6,168	11	3
" William Burroughs, (the late,)	... ... ...	ditto,	6,168	11	3
" Samuel Speck,	... ... ...	ditto,	6,168	11	3
" George Richard Pemberton,	... ... ...	ditto,	6,168	11	3
" Richard Benson, C. B.,	... ... ...	ditto,	6,168	11	3
" Robert Ross,	... ... ...	ditto,	6,168	11	3
" Archibald Fullerton Richmond, C. B.,	... ... ...	ditto,	6,168	11	3
" Christopher Godby, C. B.,	... ... ...	ditto,	6,168	11	3
" David Williamson,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
John James Farrington,	... ... ...	Full year,	6,168	11	3
" William Henry Marshall,	... ... ...	ditto,	6,168	11	3
" John Graham,	... ... ...	ditto,	6,168	11	3
" Charles Montabin Carmichael, C. B.,	... ... ...	ditto,	6,168	11	3
" Alexander Carnegy, C. B.,	... ... ...	Full year, 6,168 11 3 Deduct Advance ordered in India, 3,266 0 0	2,902	11	3
George Tomkyns,	... { From the 26th May to 31st December inclusive, vice Colonel Robert Rich, deceased, ... }	3,707	15	5	
" Chas. Richd. Wm. Lane, C.B.,	{ From the 11th Sept. to the 31st Dec. inclusive, vice Lieut.-General (Colonel) Sir John Rose, K. C. B., deceased, }	1,887	11	0	
" William John Gairdner, C. B.,	{ From the 28th Oct. to the 31st Dec. inclusive, vice Lieut.-General (Colonel) Thos. Paterson Smith, deceased, }	1,095	8	6	
Henry Lechmere Worrall,	{ From the 22nd Oct. to the 31st Dec. inclusive, vice Lieut.-General (Colonel) Samuel Smith, deceased, }	1,196	10	7	
	Deduct Advance ordered in India, ...	633	9	1	
		563	1	6	

		Co.'s Rs.	As.	P.
Colonel John Bennett Hearsay, C. B.,	From the 5th Nov. to the 31st Dec. inclusive, vice Lieut.-General (Colonel) J. Caulfeild, C. B., deceased, ...	960 11 3		
	Deduct Advance ordered in India, ...	508 10 3	452	1 0
„ Stephen Moody,	From the 18th November to the 31st December inclusive, vice Lieut.-General (Colonel) Alfred Richards, C. B., deceased, ...	741 9 6		
<i>Army Clothing Agent.</i>				
1st Division Major A. Tucker, C. B., on the Full Share from the 1st January to 8th April inclusive, and on the Half Share, (being on Sick Leave,) from the 9th April to the 31st December inclusive,	7,837 4 7			
	Deduct Advance received in India by monthly Bills, ...	4,071 1 9	3,766	2 10
Total Balance of Off-Reckonings payable in Europe on account of the Presidency of Fort William for the year 1852, Company's Rupees Four Lacs, Sixty-four Thousand, Six Hundred and Twenty-eight, Twelve Annas and Five Pie, ...	4,64,628	12	5	

APPENDIX TO NO. 5.

Statement of the Amount of Treasury Shares payable to Colonels of Regiments of the Presidency of Fort William, who are in Europe, and entitled to the additional Half Share for the year 1852.

		Co.'s Rs.	As.	P.
Lieut.-General John Greenstreet,	... ... ... Full Year,	6,168	11	3
„ Martin White,	... ... ... ditto,	6,168	11	3
„ Sir John Rose, K. C. B., (the late,) from 1st January to 10th September inclusive,	... ... ... ... ...	4,281	0	3
Total Payable in Europe on account of additional Half Share for the year 1852, Company's Rupees Sixteen Thousand, Six Hundred and Eighteen, Six Annas and Nine Pie, ...	16,618	6	9	

NO. 6.

Statement of the Balance of Off-Reckonings for the year 1852, payable to the Sharers of the Presidency of Fort St. George, who are in India, or to the Heirs, Administrators or Assigns of those who have died in India.

	HALF SHARERS.	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Lieut.-General W. Cullen,	..... Full year,	6,168	11	3			
	Deduct Advance ordered,	3,446	2	6	2,722	8	9
Colonel G. Conran,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9
Lieut.-General R. West,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9
„ „ J. S. Fraser,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9
„ „ M. Cubbon,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9
Colonel J. P. James,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9
„ J. Low, C. B.,	..... ditto,	6,168	11	3			
	Ditto ditto,	3,446	2	6	2,722	8	9

				Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Colonel A. Tulloch, C. B.,		.....	Full year,	6,168	11	3			
	Deduct Advance ordered,	.....		3,446	2	6			
" J. W. Cleveland,	Ditto	..... ditto,	ditto,	6,168	11	3	2,722	8	9
" P. Whannell,	Ditto	..... ditto,	ditto,	3,446	2	6	2,722	8	9
" S. W. Steel, C. B.,	Ditto	..... ditto,	ditto,	6,168	11	3	2,722	8	9
" H. Dowker,	Ditto	..... ditto,	ditto,	3,446	2	6	2,722	8	9
" H. Sargent,	Ditto	..... ditto,	ditto,	6,168	11	3	2,722	8	9
" L. W. Watson,	Ditto	..... ditto,	ditto,	3,446	2	6	2,722	8	9
" J. Bell,	Ditto	..... ditto,	ditto,	6,168	11	3	2,722	8	9
" W. Tayler,	Ditto	..... ditto,	ditto,	3,446	2	6	2,722	8	9
" J. E. Williams,	Ditto	..... ditto,	ditto,	6,168	11	3	2,722	8	9
" W. J. Butterworth, C. B.,	Ditto	..... ditto,	ditto,	3,446	2	6	2,722	8	9
" J. K. Luard,	{ From the 25th March to the 31st December inclusive, vice Lieut. General (Colonel) T. Stewart, deceased,	.....	.....	4,752	15	0			
		Deduct Advance ordered,	.....	2,655	3	9	2,097	11	3
Total Balance of Off-Reckonings payable in India on Account of the Sharers of the Presidency of Fort St. George for the year 1852, Company's Rupees Fifty-one Thousand, One Hundred and Three, Eight Annas and Nine Pie,							51,103	8	9

No. 7.

Statement of Shares in the Off-Reckoning Fund for the year 1852, payable to the Sharers of the Presidency of Fort St. George who are in Europe, or to the Heirs, Administrators or Assigns of those who have died in Europe.

	FULL SHARER.		Co.'s Rs.	A.	P.
Lieut. General T. Clarke, Full year,	12,337	6	6
	HALF SHARERS.				
Lieut. General Sir H. S. Scott, K. C. B., Full year,	6,168	11	3
" " J. Welsh, ditto,	6,168	11	3
" " E. M. G. Showers, ditto,	6,168	11	3
" " W. M. Burton ditto,	6,168	11	3
Colonel " J. Ketchen, ditto,	6,168	11	3
" P. Montgomerie, C. B., ditto,	6,168	11	3
Lieut. General Sir J. Russell, K. C. B., ditto,	6,168	11	3
" " Sir J. Doveton, K. C. B., ditto,	6,168	11	3
" " Sir J. L. Lushington, G. C. B., ditto,	6,168	11	3
" " J. Collette, ditto,	6,168	11	3
Colonel " P. Cameron, ditto,	6,168	11	3
" F. L. Doveton, ditto,	6,168	11	3
" G. Sandys, ditto,	6,168	11	3
" D. Macleod, ditto,	6,168	11	3

				Co.'s Rs.	A.	P.
Lieut. General R. Podmore,	.....	.....	Full year,	6,168	11	3
" " M. L. Pereira,	.....	.....	ditto,	6,168	11	3
" " J. Munro,	.....	.....	ditto,	6,168	11	3
" " Sir J. Prendergast, Kt.,	.....	.....	ditto,	6,168	11	3
" " T. Stewart, (the late,) from 1st January to 24th March inclusive,	.....	.....	Full year,	1,415	12	3
" " A. Fair, C. B.,	.....	.....	ditto,	6,168	11	3
" " W. C. Fraser,	.....	.....	ditto,	6,168	11	3
" " A. Andrews, C. B.,	.....	.....	ditto,	6,168	11	3
" " Sir C. Macleod, K. C. B.,	.....	.....	ditto,	6,168	11	3
" " H. G. A. Taylor, C. B..	.....	.....	ditto,	6,168	11	3
" " B. B. Parlby,	.....	.....	ditto,	6,168	11	3
" " J. Woulfe,	.....	.....	ditto,	6,168	11	3
" " F. W. Wilson, C. B.,	.....	.....	ditto,	6,168	11	3
" " J. Carfrae,	.....	.....	ditto,	6,168	11	3
" " G. Jackson,	.....	.....	ditto,	6,168	11	3
" " J. Briggs,	.....	.....	ditto,	6,168	11	3
" " G. M. Steuart,	.....	.....	ditto,	6,168	11	3
" " T. King,	.....	.....	ditto,	6,168	11	3
" " T. Marrett,	.....	.....	ditto,	6,168	11	3
Colonel J. Henry,	.....	.....	ditto,	6,168	11	3
" H. Walpole,	.....	.....	ditto,	6,168	11	3
" C. Herbert, C. B.,	.....	.....	ditto,	6,168	11	3
" J. Perry,	.....	.....	ditto,	6,168	11	3
" H. Ross,	.....	.....	ditto,	6,168	11	3
" J. Anderson,	.....	.....	ditto,	6,168	11	3
" J. Morgan, C. B.	.....	.....	ditto,	6,168	11	3
" F. Haleman,	.....	.....	ditto,	6,168	11	3
" A. B. Dyce,	.....	.....	ditto,	6,168	11	3
" T. G. Newell,	.....	.....	ditto,	6,168	11	3
" J. Leggett,	.....	.....	ditto,	6,168	11	3
" M. Tweedie,	.....	.....	ditto,	6,168	11	3
" C. D. Dun,	.....	.....	ditto,	6,168	11	3
" J. Garnault,	.....	.....	ditto,	6,168	11	3
" W. Watkins,	.....	.....	ditto,	6,168	11	3
" John Laurie,	.....	.....	ditto,	6,168	11	3
" R. Alexander,	.....	.....	ditto,	6,168	11	3
" J. D. Stokes,	.....	.....	ditto,	6,168	11	3
Total Balance of Off-Reckonings payable in Europe on account of Fort St. George for the year 1852, Company's Rupees Three Lacs, Twenty-two Thousand, One Hundred and Eight-eight, Five annas and Three pie.	.....	.....	3,22,188	5	3	

APPENDIX TO NO. 7.

Statement showing the Amount of Treasury Shares payable to Colonels of Regiments of Fort St. George who are in Europe and entitled to the additional Half-Shares for the year 1852.

				Co.'s Rs.	A.	P.
Lieut. General Sir H. S. Scott. K. C. B.,	.....	.....	Full year,	6,168	11	3
" " J. Welsh,	.....	.....	ditto,	6,168	11	3
Total payable in Europe on account of the Treasury Shares of the Presidency of Fort St. George, for the year 1852, Company's Rupees Twelve Thousand, Three Hundred and Thirty-seven, Six Annas and Six Pie,	.....	.....	12,337	6	6	

No. 8.

Statement of the Balance of Off-Reckonings for the year 1852 payable to the Sharers of the Presidency of Bombay who are in India or to the Heirs, Administrators, or Assigns of those who have died in India.

HALF SHARERS.		Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Lieut-General B. Kennett,	.....	6,168	11	3			
Deduct Advance Ordered,	.....	3,413	5	4			
					2,755	5	11
" " Sir Henry Pottinger, Bt. G. C. B.,	ditto,	6,168	11	3			
Ditto ditto,	.....	3,413	5	4			
					2,755	5	11

				Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
Colonel Alexander Manson, C. B., (the late,) from 1st January to } 23rd February inclusive, ditto, } Deduct Advance ordered,				910	2	3			
" W. D. Robertson, Ditto	ditto	Full year,		503	9	8	406	8	7
" F. Schuler, Ditto	ditto	ditto,	.....	6,168	11	3	2,755	5	11
" F. Stalker, C. B. Ditto	ditto	ditto,	.....	3,413	5	4	6,168	11	3
" G. J. Wilson, { From 22nd February to 31st December in- clusive, vice Colonel R. Taylor deceased, Deduct Advance ordered,		ditto,	.....	6,168	11	3	2,755	5	11
" F. P. Lester, { From 24th February to 31st December in- clusive, vice Colonel A. Manson, C. B., deceased, Deduct Advance ordered,		.....	.....	5,292	4	5	2,363	14	5
" F. T. Farrell, { From 26th June to 31st December inclu- sive, vice Colonel W. Spiller, deceased, Deduct Advance ordered,		.....	.....	2,928	6	0	2,348	13	5
" F. G. Roberts, { From 18th November to 31st December inclusive, vice Lient. General (Colonel) E. W. Shuldharn, deceased, Deduct Advance ordered, ... .. .		.....	.....	5,258	9	0	1,422	13	9
Lieut. Col. Comt. M. Stack, C. B., Ditto ditto ...		Full year,		2,900	11	7	331	4	0
Major B. Crispin, ... Full Share, Deduct Advance ordered,		.....	.....	3,185	7	8	2,755	5	11
Army Clothing Agent.				1,762	9	11			
Total Balance of Off-Reckonings payable in India on account of Bombay for the year 1852, Company's Rupees Thirty-two Thousand, Seven Hundred and Fifty-six, Five annas and Six Pie,				12,337	6	6	32,756	5	6
				6,400	0	0	5,937	6	6

No. 9.

*Statement of Shares in the Off-Reckoning Fund for the year 1852 payable to the Sharers of the Presidency of
Bombay who are in Europe, or to the Heirs, Administrators, or Assigns of those who have died in Europe.*

FULL SHARERS.							Co.'s Rs.	A.	P.
Lieut. General H. S. Osborne,	**	...	...	...	...	...	Full Year,	12,337	6
" Sir David Leigh ton, K. C. B.,		...	...	...	...	...	ditto,	12,337	6
HALF SHARERS.									
Lieut. General G. R. Kemp,	...	...	...	...	...	...	Full Year,	6,168	11
" J. F. Dyson,	...	...	...	...	...	...	ditto,	6,168	11
" W. Gilbert,	...	...	...	...	...	...	ditto,	6,168	11
" R. Whish,	...	...	...	...	...	...	ditto,	6,168	11
" E. W. Shuldharn (the late) from 1st January to 17th November inclusive;							5,427	1	9
" W. Sandwith, C. B.,	...	...	...	...	...	...	Full year,	6,168	11
" J. F. Salter, C. B.,	...	...	...	...	...	...	ditto,	6,168	11
" P. Delamotte, C. B.,	...	...	...	...	...	...	ditto,	6,168	11
" E. Frederick, C. B.,	...	...	...	...	...	...	ditto,	6,168	11
" G. B. Brooks,	...	...	...	...	...	...	ditto,	6,168	11

							Co.'s Rs.	A.	P.
Lieut. General P. Lodwick,	...	...	...	...	...	Full Year,	6,168	11	3
„ J. Morse,	...	...	...	...	...	ditto,	6,168	11	3
„ S. R. Strover, (the late,) T. Morgan,	...	...	...	...	...	ditto,	6,168	11	3
„ D. Barr,	...	...	...	...	...	ditto,	6,168	11	3
„ F. Farquharson,	...	...	...	...	...	ditto,	6,168	11	3
Colonel R. Taylor, (the late) from 1st January* to 21st February inclusive;						...	876	6	10
„ M. E. Bagnold,	...	...	...	...	...	Full Year,	6,168	11	3
„ J. G. Griffith,	...	...	...	...	...	ditto,	6,168	11	3
„ C. B. James,	...	...	...	...	...	Full year,	6,168	11	3
						Deduct Advance ordered in India,.....	3,413	5	4
							2,755	5	11
„ J. H. Dunsterville,	...	...	...	...	...	Full year,	6,168	11	3
„ C. Payne,	...	...	...	...	...	ditto,	6,168	11	3
„ C. Ovans,	...	...	...	...	...	ditto,	6,168	11	3
„ D. Capon, C. B.,	...	...	...	...	...	ditto,	6,168	11	3
„ W. Soppitt,	...	...	...	...	...	ditto,	6,168	11	3
„ W. Spiller, (the late) from 1st January to 25th June, inclusive,	...	...	...	...	...	...	2,983	3	7
„ George Moore,	...	...	...	...	...	Full year,	6,168	11	3
						Deduct Advance ordered in India,.....	3,413	5	4
							2,755	5	11
„ T. Leighton,	...	...	...	...	...	Full year,	6,168	11	3
„ D. Cunningham,	...	...	...	...	...	ditto,	6,168	11	3
Total Balance of Off-Reckonings payable in Europe on account of Bombay for the year 1852, Company's Rupees One Lac, Eighty Seven Thousand, Five Hundred and Twenty-one and Three Annas, ...	...	...	...	...	...	...	1,87,521	3	0

APPENDIX TO NO. 9.

Statement showing the Amount of Treasury Shares payable to Colonels of Regiments of the Presidency of Bombay, who are in Europe, and entitled to the Additional Half Share for the year 1852.

							Co.'s Rs.	A.	P.
Lieut. General G. R. Kemp,	...	...	...	...	...	Full year,	6,168	11	3
„ J. F. Dyson,	...	...	...	...	...	ditto,	6,168	11	3
Total Payable in Europe on account of the Treasury Shares of the Presidency of Bombay for the year 1852, Company's Rupees Twelve Thousand, Three Hundred and Thirty Seven, Six Annas and Six Pie, ...	...	...	...	...	...	...	12,337	6	6

FORT WILLIAM

NO. 10.

Statement of Surplus Off-Reckonings due to a Lieut-Colonel Commanding European Artillery and Infantry Invalids for the year 1852, agreeably to the instructions of the Hon'ble the Court of Directors published in Government General Orders No. 229, of the 29th September 1826, and showing the excess to be carried to the General Off-Reckoning Fund, in conformity with a letter, No. 488, dated 22nd December, 1826, from the Secretary to the Government in the Military Department to the Clothing Board, limiting the Maximum to the amount of a Half Share for the corresponding year.

EUROPEAN ARTILLERY AND INFANTRY INVALIDS.	Balance payable to Lieutenant Colonels Commanding the Invalid Corps.					
	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
By Amount of Off-reckonings as per Computation Statement for the year 1852, ...	5,664	0	0			
Deduct Charges for Clothing and Half Mounting, &c., ...	1,981	12	8 $\frac{3}{4}$			
Leaves Surplus, Company's Rupees, ...	3,682	3	3 $\frac{1}{4}$			

Add Interest on the last-mentioned sum after deducting an advance ordered Company's Rupees (2,000) Two thousand, applied for in Clothing Board's letter No. 1,188, dated 13th June 1853, from 1st January to 30th June 1854 or for 6 months, at 6 per Cent. per annum,

Amount payable to Lieutenant Colonel G. Blake, Full year,
Deduct Advance ordered,

Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
50	7	5				3,732	10	8 $\frac{1}{4}$
						2,000	0	0

Total balance of Off-Reckonings due to Lieutenant Colonel, Commanding the European Invalids for the year 1852, Company's Rupees One Thousand, Seven Hundred and Thirty-two, Ten Annas, Eight and a Quarter Pie,	1,732	10	8 $\frac{1}{4}$
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STATEMENT No. 11.

With reference to a letter, No. 487, of the 22nd December 1826, from the Secretary to the Government in the Military Department, Bengal, to the Secretary to the Government in the Military Department, Fort St. George, directing that the Maximum payable on account of the Surplus Off-Reckonings of an Invalid Corps to an Invalid Lieutenant-Colonel, shall be restricted to a Half Share for the corresponding year of a Colonel succeeding to the Command of a Regiment subsequent to the 1st of May 1826, the following statement shows the sums accruing to Officers Commanding Veteran and Invalid Corps at Madras and Bombay for the year 1852, together with the balance payable to each of them.

Balance payable to Lieutenant Colonels Commanding the Veteran Battalions.

FORT ST. GEORGE.

1st Native Veteran Battalion.

Lieut. Colonel C. Hosmer (Full year) the same as a Half Sharer, ...
Deduct Advance ordered,

2nd Native Veteran Battalion.

Lieut. Colonel C. Taylor, from the 9th to the 31st December inclusive, the same as a Half Sharer,
Deduct Advance ordered,

Total Balance of Off-Reckonings due to the Lieutenant Colonels Commanding Veteran Corps at Madras for the year 1852, Company's Rupees Two Thousand, Eight Hundred and Ninety-three, Ten Annas and Two Pie.

Co.'s Rs.	A.	P.	Co.'s Rs.	A.	P.
6,168	11	3			
3,446	2	6			
			2,722	8	9
387	10	5			
216	9	0			
			171	1	5

2,893 10 2

BOMBAY.

Native Veteran Battalion.

	Co.'s Rs.	A.	P.			
Amount of Surplus Off-Reckonings as per Statement C,	2,496	13	11			
Add Interest on the above (after deducting an advance of Company's Rupees 2,000) from 1st January to 30th June 1854, or for 6 months at 6 per Cent. per annum,	14	14	6			
Gives,	2,511	12	5			
Amount payable to Lieutenant-Colonel Henry Sandwith, Full Year, Deduct Advance ordered,	2,511	12	5	511	12	5
Total Balance of Off-Reckonings due to the Lieutenant-Colonel Commanding Veteran Battalion at Bombay for the year 1852, Company's Rupees Five Hundred and Eleven, Twelve Annas and Five Pie,				511	12	5

The Officiating Accountant, Military Department will be pleased to adopt the necessary measures for paying the balance due to Sharers in the General Fund, as well as to Lieutenant-Colonel George Blake, at present Commanding the European Invalids, Chunar, and to adjust any advances that may have been made on account of the Off-Reckonings for the year 1852, which have not been brought to account in the above Statements.

The Departments of Pay and Audit will credit the General Off-Reckoning Fund of the relative year, with the amount interest exhibited in Statement No. 1.

R. J. H. BIRCH, *Lieut. Colonel.*

*Offg. Secy. to the Govt. of India,
In the Mily. Dept.*



The Calcutta Gazette.

Published by Authority.

Notification.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co. for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON, Secy. to the Govt. of Bengal.

SATURDAY, AUGUST 12, 1854.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill relating to mesne profits and to improvements made by holders under defective titles.

Preamble. Whereas it is expedient to limit the liability for mesne profits in certain cases and to secure to *bond-fide* holders under defective titles the value of improvements made by them; It is enacted as follows:—

I. No tenant shall be chargeable in any action for mesne profits or suit in the nature of one, with any rents or profits, which before or pending the suit he has paid over to the landlord from whom he derived his title as tenant, or to whom he had *bond-fide* attorned before the commencement of the litigation as to the title; but the claim must be asserted against the party receiving the rents and profits from such tenant.

II. No account for mesne profits shall be carried back in any Court in any action or suit beyond the time of notice of the real title to the party against whom such demand is made and demand of possession under it unless the possession was taken by violence or with knowledge of the real title.

III. Any person who is evicted by better title from immoveable property acquired by him *bond-fide*, in the belief that he took a good holding title, shall be entitled to have the value of all buildings

and other improvements which he has *bond-fide* made in the lands estimated and secured to him, and may set-off the same against the rent and profits for which he may be liable to account, and shall have for the whole of the surplus a lien on the estate, which may be enforced as the lien of an unpaid vendor for his purchase-money.

W. MORGAN,
Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill to provide compensation to families, for loss occasioned by the death of a person, caused by actionable wrong.

I. It is enacted that whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the party who would have been liable, if death had not ensued, shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. And it is enacted further, that every such action or suit shall be for the

benefit of the wife, husband, parent and child, all or any of them of the person whose death shall have been so caused, and shall be brought by and in the name of the Executor, Administrator or Representative of the person deceased, and in every such action, the Court may give such damages as it may think proportioned to the loss resulting from such death to the parties respectively, for whom, and for whose benefit, such action shall be brought, and the amount so recovered, after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the Court by its verdict or sentence shall find and direct, provided always that not more than one action shall be for, and in respect of the same subject matter of complaint, and that every such action shall be brought within twelve calendar months after the death of such deceased person.

II. And it is further enacted, that on the institution of such action or suit, or as deliver particulars, soon after as the Court shall direct, &c. the plaintiff shall deliver to the defendant, or to his Attorney or Vaakeel, or person, by the practice of the Court, authorized to appear and act for him, a full particular of the person or persons, for whom, or on whose behalf, such action or suit shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill to improve the English Law in force in India, by extending to this Country, with some enlargement thereof, the provisions of Statute 3rd and 4th William 4th, Cap. 42, Section 2.

Whereas by the English Law in force in India, Actions for wrongs many actions for wrongs do not survive to and against personal representatives in certain cases. Administrator of the injured person, and it is desirable to extend to this country, with some enlargement thereof, certain provisions contained in a certain Act of Parliament, which has been passed for remedying these defects in the law, that is to say, the Statute 3rd and 4th William 4th, Cap. 42, Section 2; It is therefore enacted that

An action may be maintained by the Executors, Administrators or Representatives of any person deceased, for any wrong committed in the life-time of such person towards him, which has occasioned pecuniary loss to his estate, for which wrong an action might have been maintained by such person, but which, before the passing of this Act, would not have survived to his Representatives, so

as such wrong or injury shall have been committed within one year, or have been without his neglect first known to him within one year before the death of such deceased person, and provided such action shall be brought within one year after the death of such person and the damages when recovered shall be part of the personal estate of such person; and further, an action may be maintained against the Executors, Administrators or Representatives of any person deceased for any such wrong committed by him in his life-time and which would not have survived against his Representatives, so as such injury shall have been committed within one year before such person's death and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the administration of the estate and effects of such person, and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person. And when any action or suit has been commenced by the injured party in his life-time, it shall not abate by his death or be lost, whatever be its nature, but the Executors, Administrators or Representatives may continue for the purpose of recovering the costs and expenses of suing, or any special or consequential or other loss or damage included in the action, which the injury has occasioned, or may occasion, to the estate of the deceased.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill for discontinuing the practice of issuing Warrants for the payment of Bills of Exchange.

Whereas the issue of Warrants for the payment of money in discharge of Bills of Exchange drawn on the Treasuries of the Collectors is unnecessary, and the payment of such Bills at those Treasuries should be made without such Warrants; It is enacted as follows:—

So much of Section 12 Regulation II. of 1793, of Section 12 Regulation V. 1795, of Section 11 Regulation XXV. of 1803, and of Section 18 Regulation VIII. of 1805 of the Bengal Code, as prescribe that all issues from the Treasuries of the Collectors shall be made under a Warrant signed by the Collector and sealed with the seal of the zillah, are hereby repealed, so far as the same relate to the payment of money in discharge of Bills of Exchange drawn upon the Collector as the disbursing Officer at such Treasuries.

W. MORGAN,

Clerk of the Legislative Council.

Notifications, Appointments, &c.**No. 30.***Fort William, Financial Department,**The 11th August 1854.*

Notification.—Mr. J. H. Young received charge of the Offices of Government Agent and Secretary to the Saving's Bank from the Hon'ble H. B. Devereux, on the 10th instant.

C. HUGH LUSHINGTON,
Offg. Secy. to the Govt. of India.

*Fort William, Foreign Department,**The 11th August 1854.***No. 3431.**

The Governor General in Council is pleased to appoint Assistant Surgeon H. R. Oswald, M. D., of the Madras Medical Establishment, to the Medical charge of the Nuggur Division of the Mysore Commission.

No. 3432.

Lieutenant G. A. Black, Adjutant of the Jodhpore Legion, to officiate as Assistant to the Agent to the Governor General for the States of Rajpootana, from the 30th July last, until further orders.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieut.-Governor of the North-Western Provinces.

No. 1351 A. of 1854.

Judicial and Revenue Department,
Head Quarters, the 1st August 1854.

Leave of Absence.—Mr. Robert H. Scott Campbell, Magistrate and Collector of Budaon, for one month, under Section XI. of the Amended Absentee Rules, from the date of his availing himself of the leave.

Appointment.—Mr. Charles Elliot Boileau, to officiate as Magistrate and Collector of Budaon, during the absence of Mr. Campbell.

No. 1353 A. of 1854.*Judicial Department,*

Leave of Absence.—Mr. Simon Nicolson Martin, Officiating Joint Magistrate and Deputy Collector of Jounpoor, for one month, under Section XI. of the Amended Absentee Rules, from the date he avails himself of the leave.

No. 670 A. of 1854.*Department Public Works,**The 3rd August 1854.*

Appointments.—Lieutenant Edward Fraser, Officiating Executive Engineer, Northern Division, Ganges Canal, is vested with the powers of a Joint Magistrate at Roorkee, inclusive of the Canal and College Lands, for purposes of Conservancy, and

the enforcement of the Law in regard to nuisances or occupations injurious to the public health; such powers to be exercised in subordination to the Magistrate of Saharunpore.

No. 1366 A. of 1854.*Judicial Department,*

Assistant Surgeon Joseph Ewart, M. D., to be Civil Assistant Surgeon of Ajmere.

W. MUIR,*Secy. to Govt., N. W. P.*

General Orders by the Most Noble the Governor General of India in Council.

Fort William, 9th August 1854.

No. 808 of 1854.—The furlough to Europe from Bombay, on private affairs, granted to Captain E. N. T. R. O'Conor, of the 61st Regiment Native Infantry, in Government General Order, No. 78, of the 20th January 1854, is cancelled at the request of that Officer.

No. 809 of 1854.—At the special recommendation of the Medical Board, the following revised Establishment is sanctioned for the Presidency General Hospital:—

One European Matron at Rs. 20 per mensem.
One Female Sweeper at „ „ „ „

Total, Rupees... 25 (Twenty-five.)

No. 810 of 1854.—The following Orders issued by the Resident at Hyderabad are confirmed:—

18th July 1854.—Granting Brigadier Mayne, Commanding Northern Division and Cavalry Hyderabad Contingent, leave of absence for thirty days, to visit Poonah and Bombay.

19th July 1854.—Appointing Captain Shakespeare, Second in Command, 4th Infantry Hyderabad Contingent, to officiate also as Adjutant.

20th July 1854.—Granting Captain Scott, Commanding 6th Infantry Hyderabad Contingent, permission to proceed to the Neilgherries on Medical certificate, and to be absent on that account from the 8th August 1854 to the 9th February 1855.

No. 811 of 1854.—At the special recommendation of His Excellency the Commander-in-Chief, grounded on the long, exemplary and faithful services of Subadar Major Ruggoonauth Sing, Sirdar Bahadoor, formerly of the 37th Regiment Native Infantry, the Most Noble the Governor General of India in Council is pleased to sanction the Brevet Pay of his rank being continued to that Native Officer from the date of his transfer to the Invalid Pension Establishment.

No. 812 of 1854.—The under-mentioned Officer is permitted to proceed from Calcutta to Europe, on furlough:—

Lieutenant William George } On Medical certificate, for eighteen
Grove, of the 32nd Regt. } months, under the
giment Madras Native In- } new Regulations.
fantry,

No. 813 of 1854.—The following List of Out-Pensioners of Chelsea Hospital, permitted to reside in Bengal, received from the Hon'ble the Court of Directors, with their Military Letter No. 60 of the 14th June 1854, is published for general information:—

Regiment.	Names.	Rate.	Date of admission to Out-Pensioner and where residing prior to being admitted a Pensioner.	Description of Pensioner when discharged.		Service in any other Corps.	Service abroad and at what Station.	Cause of Discharge.	Place of Birth.	Residence	Pension to commence.	Remarks.
				Height.	Complexion.							
76th Foot,	James Mooney, Serjeant, .. 1	09th May 1854, without appearance, .. 5 7	Brown, Brown, .. Fair, .. 28	Good, Laborer, ..	4 ¹ / ₂	S. C. P. U. Age 2 ¹ / ₂ 4 ¹ / ₂ 2 ¹ / ₂ 16th Lancers, S. C. P. Ditto,	50th Foot, India, ..	Palpitation and Endocarditis, ..	Castletown Mayo, Calcutta, ..			
9th Lancers,	George Walker, Corporal, .. 1	0 Ditto, ..	.. 5 7 ¹ / ₂ Ditto, .. Grey, .. Sallow, .. 44	Good, Laborer, ..	1 ¹ / ₂	S. C. P. 4 ¹ / ₂ 4 ¹ / ₂ 5 ¹ / ₂ 3rd Dragoons, S. C. P. 3 ¹ / _{2 2¹/₂ 12¹/₂ 4¹/₂ Dismissed.}	13 ¹ / ₂ ..	Worn out, ..	St. James's, Dublin, ..			
14th Dragoons,	James Carroll, .. 1	0 Ditto, ..	.. 5 8 ¹ / ₂ Ditto, .. Ditto, .. Fair, .. 47	Bad, Farmer, ..	14 ¹ / ₂	India, ..	14 ¹ / ₂ Debility and Intermittent Fever, ..	Dunleer, Louth, ..				
18th Foot,	Thomas Galla- gher, .. 0	10 Ditto, ..	.. 5 6 Ditto, .. Hazel, .. Fresh, .. 2	Good, 2 Badges, Laborer, ..	13 ¹ / ₂	China, Bengal, Burnt, ..	12 ¹ / ₂ Gun-shot wound in right hand and loss of substance of the metacarpal bone of little finger, ..	Mydona, Longford, ..				
94th Foot,	John Walker, Color Serjeant, 1	10 Ditto, ..	.. 5 7 ¹ / ₂ Ditto, .. Blne, .. Fair, .. 43	Good, Clerk, ..	17 ¹ / ₂ ..	India, Ceylon, ..	14 ¹ / ₂ Own request, ..	Glasgow, ..				
50th Foot,	James Berry, .. 0	10 Ditto, ..	.. .. .. .. ..	Good, 4 Badges, Dismissed, Tailor, ..	22 ¹ / ₂ ..	N. S. Wales, India, ..	7 ¹ / ₂ Ditto, ..	Preston, ..	Dunm-	Dunm,		

Fort William, 10th August 1854.

No. 815 of 1854.—The Most Noble the Governor General of India in Council is pleased to assign rank to the under-mentioned 2nd Lieutenants, Cornet, Ensigns, and Assistant-Surgeons, from the dates specified opposite to their names:—

Artillery.

2nd Lieut.	Rawson Aislabie,	8th June 1854.
"	Charles Gilbert Robinson,.....	
"	Charles Somner Sedley Taylor, ..	
"	George Grant Gordon,	
"	Charles George Reid,.....	
"	Penton Thompson,.....	
"	William Thompson Somerville, ..	
"	Robert Hawkins Pitt,	
"	Somerset Edward Townsend, ...	

Cavalry.

Baronet Robert Wilkinson Dent, ... 4th June 1854.

Infantry.

Ensign Sir Atwell King Lake, } 20th May 1854.

Baronet,..... }

Thomas Sydney Gepp,... 4th June 1854.

Brudenell Rogers, ...	8th ditto.
George Anthony Au- fré Baker,	
John Peter Harris, ...	
William George Prole,	
William Lumley Louis,	
Frederick Wheeler, ...	
Herbert Mills Repton,	
George Edward John Maidman,	

Thomas Adair Butler, }

Hansen Chambers Tay- lor Jarrett,

Frederick Arthur Cur- rie Knyvett,

John Upperton,..... }

Medical Department.

1st-Surg. Thomas Anderson, M.D., } 20th May 1854.

Alfred Eteson,..... }

Hugh Davies Jones, ... }

Arthur Trefusis } 1st June 1854.

Jones, M.D.,... }

William Falconer } 4th ditto.

Clark,

John James Hall, } 10th ditto.

B.A.F.R.C.S., }

Memorandum.—Ensigns Robert Stanwix Ro- bison and George Robertson Hennessy, having passed their examination on the 28th March last, agreeably to General Order, No. 802, of the instant, stand next below Ensign Robert Grant, of List No. 2 of 1854, with rank from the 4th of February of this year.

No. 816 of 1854.—“Rugber” (No. 555, Benares) Family Pensioner, who fraudulently obtained admission to the Pension Establishment as son of the late Sepoy Sewruttun Sing, of the Regiment Native Infantry, he being in reality brother of the deceased Sepoy, is struck off Pension List from the date of the last payment made to him.

No. 817 of 1854.—The Most Noble the Governor General in Council is pleased to make the following promotions:—

40th Regiment Native Infantry.

Lieutenant John Samuel Douglas White to be Captain of a Company, ...	From the 6th August 1854, in succession to Capt. and Brevet Major Richard Chitty, retired.
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No. 818 of 1854.—The Most Noble the Governor General of India in Council is pleased to make the following promotions and alteration of rank:—

Ordnance Commissariat Department.

Sub-Conductor Patrick Coo- ney to be Conductor, ...	Vice Conductor Charles Sheridan, appointed to the Artillery Depôt of Instruction, and with rank from the 20th April 1854,
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Officiating Sub-Conductor George Clowsley to be Sub-Conductor, ...	vice Conductor T. Newbold, appointed to the Punjab Irregular Force.
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Extra Officiating Sub-Conductor James Morris to be Officiating Sub-Conductor, ...	Vice Sub-Conductor James Lynch, appointed to the Audit branch of the Military Board's Office, and with rank from the 21st April 1854, vice Conductor T. White, promoted.
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Officiating Sub-Conductor George William Shaw to be Sub-Conductor, ...	From the 23rd June 1854, vice Sub-Conductor George Munrowd, deceased.
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Alteration of Rank.

Conductor John Doyle, ...	To rank from the 28th Dec. 1853, vice Conductor C. Sheridan, appointed to the Artillery Depôt of Instruction.
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Sub-Conductor Patrick Baxter, ...	To rank from the 6th January 1854, vice Conductor J. Vyall, promoted to Deputy Assistant Commissary.
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Officiating Sub-Conductor Philip Godby, ...	To rank from the 25th Jan. 1854, vice Sub-Conductor James Lynch, appointed to the Audit branch of the Military Board's Office.
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Fort William, 11th August 1854.

No. 819 of 1854.—The leave of absence for four months, to visit Madras, from date of embarkation at Rangoon, granted by the Brigadier General Commanding Pegu Division, to Lieutenant Moberley, Executive Engineer at Tonghoo, on the 22nd July 1854, is confirmed.

No. 820 of 1854.—The following Notifications from the Foreign Department, are published in General Orders:—

No. 3366, dated 4th August 1854.—Major C. Davidson, 1st Assistant to the Resident at Hyderabad, has obtained leave of absence, from the 1st instant to the 1st November next, to visit Calcutta, on Medical certificate.

Captain Thornhill, 2nd Assistant to the Resident, will discharge the duties of 1st Assistant, during Major Davidson's absence.

No. 3367, dated 4th August 1854.—Captain W. Larkins, Deputy Commissioner of Thaneyssur, has obtained four months' leave of absence, on Medical certificate, to visit the Hills, and Captain W. R. Elliott, Assistant Commissioner, has been appointed to officiate for Captain Larkins, during that Officer's absence.

No. 3368, dated 4th August 1854.—Captain J. B. Dennys, 2nd in Command of the Kotah Contingent, has obtained leave of absence, on private affairs, from the 30th ultimo to the 5th October next, under the old Furlough Rules, in extension of the leave granted him in General Order of the 15th April last, No. 1614.

No. 821 of 1854.—Assistant Surgeon W. Keates, attached to the Stud Department at Haupper, has been appointed in the Judicial Department, North-Western Provinces, on the 31st July 1854, to have also the Medical charge of Boolundshuhur.

No. 822 of 1854.—Conductor Michael Halpin, of the Ordnance Commissariat Department, attached to the Arsenal, Fort William, is allowed leave of absence for three months, to proceed to Sea, on Medical certificate.

No. 823 of 1854.—Captain Allan Duncan, of the Veteran Establishment, and Deputy Assistant Commissary, Department of Public Works, having been declared incapable of performing the active duties of his profession, is, at his own request, transferred to the Invalid Establishment, from the 20th June 1854.

No. 824 of 1854.—The services of Lieutenant J. W. B. Blagrave, of the 74th Regiment Native Infantry, are, as a special case, placed at the disposal of the Hon'ble the Lieutenant-Governor, North-Western Provinces, for the charge of the new survey party about to be employed in the Districts of the Saugor and Nerbudda Territories.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India,
in the Mily. Dept.

Notice.

TENDERS will be received at this Office, from this date up to 18th August 1854, from individuals who may be desirous of purchasing

the whole or any one of the under-mentioned parcels of Surplus Lands in Cornwallis and Amherst Streets, within the Town of Calcutta, and formerly belonging to the late Lottery Committee, but now the property of Government.

The Lots will be put up for Public Sale at an upset price of fifteen years purchase of the Ground rent at 3 annas per cottah, in addition to Rs. 200 per cottah for all lands in Cornwallis Street, and Rs. 150 per cottah, for those in Amherst Street.

Locality.	Former No. of Holding.	No. of Block and Holding.		Area of Holding.	<i>Amounts available for payment.</i>
		Block.	Holding.		
Amherst Street, ..	4	8	132	0 0 10 33	0 20
Ditto,	7	8	364	0 0 3 33	0 00
Ditto,	13	2	639	0 0 5 38	0 11
Ditto,	18	13	192	0 0 14 9	0 28
Cornwallis ditto, ..	3	25	Sootanatty	0 1 0 0	0 30
Ditto,	6	25	Ditto	0 1 0 0	0 30
Ditto,	9	19	Ditto	0 0 7 10	0 14
Ditto,	10	19	Ditto	0 0 5 11	0 19
Ditto,	12	31	Ditto	0 0 7 11	0 14
Ditto,	13	31	Ditto	0 0 13 11	0 26
Ditto,	18	24	159	0 0 14 9	0 28
Ditto,	29	14	557	0 0 9 0	0 18
Ditto,	33	14	556	0 0 3 33	0 08
Ditto,	34	14	554	0 0 2 30	0 00

F. A. LUSHINGTON,
Collector.

CALCUTTA,
Collector's Office, }
The 15th July 1854.

Notification.

BILLS at par on the Public Treasuries of the under-mentioned Districts may be had on application to the Officiating Accountant to the Government of Bengal:—

DISTRICTS.	Amounts available on this date.
Backergunge,	40,000
Balasore,	60,000
Bullooah,	40,000
Bograh,	24,000
Chittagong,	80,000
Cuttack, C. D.	96,000
Dacca,	2,00,000
Dinagepore,	80,000
Jessore,	13,000
Jorehaut,	50,000
Kamroop,	10,000
Midnapore,	50,000
Mymensing,	40,000
Pooree,	50,000
Pubna,	50,000
Rajshahye,	40,000
Rungpore,	5,000
Sylhet,	1,00,000
Tipperah,	1,00,000

EDMUND DRUMMOND,
*Offg. Accountant to the
Govt. of Bengal.*
Accountant's Office, }
The 11th August 1854.

Notice.

THE General Treasury will be closed on Wednesday the 16th and Thursday the 17th instant, on account of the Hindoo Holidays Junmo Ostomee.

J. I. HARVEY,
Sub-Treasurer.

General Treasury, }
The 7th August 1854. }

NOTICE is hereby given, that an Examination will be held on Monday the 28th August 1854, for the purpose of testing the acquirements of Candidates for Certificates of Qualification as Regimental Moonshees and as Teachers of the unpassed Civil Servants, according to General Orders by the President of the Council of India dated 9th October 1850, and the Government Notification dated the 24th January 1854, respectively.

Candidates are requested to send in their applications, stating the language or languages to be passed in, on or before the 25th instant.

W. N. LEES.

Secy. to the Board of Examiners.

Fort William, }
9th August 1854. }

حسب حکم جنرل ارڈر مورخہ نہم اکتوبر سنہ ۱۸۵۰
و حسب حکم گورنمنٹ مورخہ بست و چہارم جنوری
سنہ ۱۸۵۴ ع اشتہار دادہ می شود کہ تاریخ امتحان
منشیان امتحان دھندگان برای عہدہ منشیگری پلن و
بواپی تدریس صاحبان اول قلم در فورت ولیم کالج
روز بست هشتم ۲۸ اگست سنہ حال مقرر گردیدہ است
کہ کرا امدادان دادن ممنظور باشد کہ تا بست و
پانجم این صاف قطعہ درخواست بقید زان یعنی کہ در
کدام ۳ دام زبان امدادان خواهد داد نوشته نزد سکریٹری
بورڈ آف ایکزامنرس انگریز تحریر فی التاریخ نہم
ماہ اگست سنہ ۱۸۵۴ ع *

W. N. LEES,
Secy. Board of Examiners.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect, in his Office in Calcutta, up to 4 P. M. on Monday 14th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for the purchase and removal of the Materials, composing the House and Out-offices of the Overseer of the Burial Ground, No. 13, Lower Circular Road, and for levelling the ground, filling up a tank, and forming path-ways in the Compound.

Time for Execution Four (4) Months.

Specification and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in Cash of One Hundred (100) Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect in his Office in Fort William up to 4 P. M. on Monday 14th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for making and putting up Three Teak-wood Record Racks in the Record Room of the Revenue Board Office, Calcutta.

Time for Execution Two (2) months.

Specification and further information to be obtained from the Civil Architect's Office in Fort William.

A deposit in Cash of One Hundred (100) Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Thomas Michael DeSouza } PURSUANT
versus } to an Order of the
Maria Margueritta Gonsalves. } Supreme Court of
Judicature at Fort William in Bengal, made in
this cause, on and bearing date the 27th day of
March 1854, the next of Kin and Creditors of
Francis Barreto Gonsalves, late of Calcutta, who
died on or about the 5th day of March 1844, are
hereby required to come in and prove their res-
pective claims and debts on or before the 19th
day of August next, before John Cochrane,
Esquire, the Master of the said Court, at his Office
in the Court House, or in default thereof they will
be peremptorily excluded from the benefit of the
said Order.

JOHN COCHRANE,
Master.

Messrs. Lyons and Bell,
Complainant's Attorneys.

CALCUTTA,
Supreme Court, Master's Office, }
The 19th June 1854.

Sheriff's Sale, the 11th August 1854.

NOTICE is hereby given, that on Thursday the thirty-first day of August instant, at the hour of 12 o'clock, the Sheriff of Calcutta will put up to public Sale at the Court House, by virtue of six several Writs of Executions, in his hands against the Effects of Roy Prawnkitno Mitter.

The Right, Title and Interest of the said Roy Prawnkitno Mitter, of, in and to the following Landed Property:—

1. An Upper-roomed Brick-built Dwelling-house, with a piece of Land thereunto belonging, containing by estimation, two biggahs more or less, situate at Baraset, in Pergunnah Annurpore and in the Zillah of Baraset.

2. Also another Upper-roomed Brick-built Dwelling-house, No. 17, with a piece of Land and a Tank thereunto belonging, containing by estimation three biggahs more or less, situate at Nilmoney Mitter's Street in Simlah in the Town of Calcutta.

3. Also a piece of tenanted Land, containing by estimation one biggah more or less, situate at the same place.

4. Also another piece of tenanted Land with a Tank thereon, containing by estimation two biggahs more or less, situate at Nilmoney Ghose's Street in Simlah in the Town of Calcutta.

5. Also a Lower-roomed, Brick-built Gollabatty, surrounded by brick-wall, with a piece of Land thereunto belonging, containing by estimation eight cottahs more or less, situate at Heedopore; in Pergunnah Annurpore and in the Zillah of Baraset.

6. Also a piece of Garden Ground, with a Tank and several Trees growing thereon, containing by estimation twenty-five biggahs, more or less, situate at Prosaudpore, in Pergunnah and Zillah aforesaid.

7. Also another piece of Garden Ground, with several Trees growing thereon, containing by estimation fifteen biggahs more or less, situate at Heedopore, in Pergunnah and Zillah aforesaid.

8. Also a Tank, with a piece of Land thereunto belonging, containing by estimation ten cottahs more or less, situate at the same place.

9. Also a Talook, No. 220, situate in Pergunnah Pacoorah, in the Zillah of the Twenty-four Pergunnahs, the Sudder Malgojaree of which is Co.'s Rs. 150-11-11.

10. And also a piece of Garden Ground, with several Trees growing thereon, containing by estimation ten cottahs more or less, situated at Bonehooghey in the Zillah aforesaid.

The Conditions of Sale may be known by applying at the Sheriff's Office.

T. CAIRD,
Sheriff.

General Post Office Notifications.

No. 2190.

Export Overland Mail via Southampton and Marseilles, per P. and O. Co.'s Steamer Bentinck, direct from Calcutta.

NOTICE is hereby given for general information, that the Mails for Suez and the intermediate Ports (Madras, Ceylon, Aden, Penang, Singapore and Hong-kong,) intended for transmission by the Peninsular and Oriental Company's Steam Vessel *Bentinck*, will be closed at this Office on Friday the 18th instant.

C. K. DOVE,
Dy. Post-master General.

Fort William,
General Post Office,
The 7th August 1854.

No. 2187.

NOTICE is hereby given, that the Mails for the Straits and China, for transmission per Steamer *Chusan*, will be closed at this Office on Tuesday the 15th instant.

C. K. DOVE,
Dy. Post-master General.

Fort William,
General Post Office,
The 8th August 1854.

THE Business connected with the Calcutta Post Office having been made over exclusively to the charge of the Deputy Post Master General, the public are requested from this date to address that Officer direct, on all matters connected with that Office.

J. R. BURLTON BENNETT,
Post-master General of Bengal.

Calcutta,
General Post Office,
The 1st July 1854.

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
					Ships are open at this Office.
Steamer Bentinck,	P. & O. S. N. Company,	19th August, 1854.	Suez,	.. Madras, Ceylon & Aden.	
Do. Chusan,	Ditto,	16th Ditto,	.. Penang, Singapore and China,		
Mont Stewart Elphinstone	Kettewell, Drablet, ..	12th Ditto,	London,	Cape.	
Cyclone,	Wienholt, Brothers, ..	In a few days,	Sydney,		
Prince Albert,	Runceross Manjee,	Ditto,	.. Mauritius.		

C. K. DOVE,
Deputy Post-master General.

Calcutta, General Post Office, 11th August 1854.

Rangoon Post Office Notice.

LETTERS and Newspapers, which should be addressed to RANGOON only, are frequently directed by mistake to Pegu or Burmah, and letters, &c. intended for delivery in Pegu, Prome, Bassien and other places in the Provinces, are in like manner erroneously addressed to "Rangoon, Burmah." The Rangoon Post Master begs to notify that, with such vague directions, this Department is left to find out to which of the Stations such letters should be forwarded, and from want of information, great disappointment is felt when they are despatched to the wrong Station. To obviate this, it is desirable, that parties posting letters in Calcutta or elsewhere, should be careful to direct them to their respective

Stations, and to inform their Agents and Correspondents, when leaving one place for another, of their change of address, to ensure letters being directed to the proper Station. A list of places in the Pegu Provinces or in Burmah, and their distance from Rangoon, is annexed below, *viz.*:

Jonabew,	40 miles
Pegu,	55 "
Sittang,	67 "
Shoaygyeen,	90 "
Bassein,	95 "
Henzada,	95 "
Tonghoo,	130 "
Monean,	120 "
Thayetmyo,	200 "
Meeaday,	205 "
Namean,	195 "
Prome,	200 "
Yeagheen,	160 "
Tapoon,	
Tindan,	{ Below Prome.
Tayngheen,	
Yandoon,	

Letters addressed to public functionaries, whose head-quarters or residence is in Rangoon, should be addressed "Rangoon," instead of Pegu or Burmah; but if intended for delivery at other Stations, should be addressed to those Stations, the word Rangoon to be omitted.

(Signed) C. M. CRISP,
Post Master.

RANGOON POST OFFICE, }
The 19th June 1854. }

No. 1215.

THE above Notification from the Post Master of Rangoon is published for general information.

J. R. B. BENNETT,
Post-master General.

Calcutta, General Post Office, }
The 5th July 1854. }

LIST OF PACKAGES LYING UNCLAIMED ON THE CUSTOM HOUSE WHARF.

Date of Landing.	Mark or Address of Packages.	Ships.
1853 January, ..	7th, 2 Cases J B T in diamond,	St. Croix.
Ditto,	18th, 1 Package, G. Pehmoller, Esq.,	Lisette.
February, ..	26th, 1 Ditto, S. D. & Sons, Calcutta,	Ripsima Anna Maria.
March, ..	17th, 3 Cases, marked C H in double triangle,	Rob Roy.
May,	28th, 1 Case, marked P n	Juliana.
June,	9th, 1 Case, Rear-Admiral Hon'ble F. B. Pellew, Commander-in-Chief,	Ayrshire.
July,	28th, 1 Cask Unknown, No mark,	Gloriosa.
August, ..	19th, 1 Case, Mrs. M. Michael,	Ripsima Anna Maria.
September, ..	1st, 1 Parcel, marked S in diamond, W. O. Young, Esq.,	Goleonda.
Ditto,	6th, 1 Package, Mr. Forster,	Monarchy.
November, ..	21st, 1 Case Mr. J. Gibson,	Niobe.
Ditto,	23rd, 1 Box Unknown, W. Bradford,	George Hallet.
December, ..	3rd, 1 Bale Jute, no mark,	Homer.
1854 January, ..	4th, 1 Package, Captain W. Mayon,	Princess Royal.
March,	1st, 1 Case Merchandise, marked L C in a triangle, 17,	Fulwood.
Ditto,	do., 1 ditto ditto, marked MS P	Ditto.
Ditto,	do., 1 ditto ditto, marked C in diamond,	Ditto.
May,	11th, 1 ditto Unknown, D. W. Hogan,	Futtay Salam.
Ditto,	15th, 1 Tub Unknown, marked R R,	Aratoon Apcar.
June,	8th, 1 Box ditto, R. J. Chambers Esq.,	Rockall.
Ditto,	do., 1 Box ditto, marked C L in diamond, 158,	Ditto.
July,	15th, 18 Pieces Sapan-wood,	Shanghai.
Ditto,	5th, 1 Case Patterns H S and Co., marked 8 in diamond,	City of Benares.
Ditto,	7th, 1 Bag Horn Pieces, marked T,	Asiatic.
August, ..	3rd, 4 Cases Broken Glass, no mark,	Mayaram Dayram.
Ditto,	do., 1 Bundle Old Copper, ditto,	Ditto.
Unknown,	1 Case, Archibald McLean,	Mary Stoddard.
Ditto,	1 Small Box, marked M in diamond,	Parland.
Ditto,	1 Cask, Unknown Officers Mess, Horse Artillery,	Hastings.
Ditto,	1 Cask, F in diamond,	Sir Henry Hardinge.
Ditto,	1 Butt Unknown, marked M H in diamond, 4,	Lismoyne.
Ditto,	1 Large Case, marked C A	Unknown.
Ditto,	1 Small Box, marked H S in double diamond,	Ditto.
Ditto,	1 Case, marked S. & Co. in diamond, 2,	Ditto.
Ditto,	1 Small box, marked R F in diamond, 1-30	Ditto.
Ditto,	1 Case Brandy,	Ditto.
Ditto,	1 Case Mrs. S Jones,	Ditto.
Ditto,	1 Case Merchandise,	Ditto.
Ditto,	1 Package Mark defaced,	Ditto.

CALCUTTA, CUSTOM HOUSE, WHARF DEPT., }
The 11th August, 1854. }

W. BRACKEN,
Collector of Govt. Customs.

NOTICE is hereby given, that at a General and Quarter Sessions of the Peace holden at the Office of Her Majesty's Justices of the Peace in the Town of Calcutta, on Thursday the Tenth day of August Instant, It was ordered that the assessment of the Quarter August, September and October 1854 be taken to be the assessment of the Quarter November and December 1854 and January 1855 next ensuing. All persons having objections to make to the said assessment, or to any proposed assessment, of which due notice shall be given to them by the assessor, are required to specify the same, and the grounds thereof, in a Petition addressed to the undersigned, and file it with him, between the hours of Eleven and Four o'clock on or before Thursday the Thirty-first day of August instant, after which no objections will be received, and the Sessions stand adjourned to the Thirty-first day of August, to be holden at the hour of noon, at the Office of the

said Justices, and will be continued by adjournment from time to time until such objections shall have been heard and determined upon. And it was further ordered, that the assessments made and allowed in these Sessions shall take effect from the First day of November One thousand Eight hundred and Fifty-four.

Her Majesty's Justices of the Peace have also ordered, that the Rate Books containing the proposed assessment shall be open to the inspection of all persons assessed therein during the interval above-mentioned, namely, from this date to the 31st August Instant, and between the hours of 11 A. M. and 4 P. M. of such days, except Sundays.

W. L. HARWOOD,

Clerk to the Justices.

CALCUTTA.
Police Office,
10th August 1854.

Abstract Statement of the Uncovenanted Service Family Pension Fund in the 4th Quarter of the Official Year 1853-54, compared with the corresponding Quarter of the Year 1852-53.

			In the 4th Quarter ending 30th April 1854.	In the 4th Quarter ending 30th April 1853.
Balance at Credit of the Fund on the Government Books, in the beginning of the 4th Quarter of each year,	Co.'s Rs.	880535 35277	15 10 11 0	793402 32657
Receipts and Credits in the 4th Quarter of each year,	"			4 6
Total, Co.'s Rs.		915813	10 10	826059
DEDUCT.				
Pensions paid in the Quarter under review,	Co.'s Rs.	17595 2067	11 3 7 10	16481 2026
Fixed Office Establishment and Contingencies ditto,	"			1 3 11 10
Interest on Reserve Fund allowed to Subscribers qualified to share therein,	"	3884	10 0	2592
Total, Co.'s Rs.		23547	13 1	21100
Balance on the 30th April 1854 of each Quarter under review on the Government Books,	Co.'s Rs.	892265	13 9	804959
MONTHLY RECEIPTS AND DISBURSEMENTS.				
Subscriptions,	Co.'s Rs.	11870	15 3	10806
Deduct Pensions to Incumbents, Office Charges and estimated Contingencies,	"	6534	15 3	6475
Net Monthly Income, exclusive of Interest upon Capital,	Co.'s Rs.	5336	0 0	4331

	Number of Subscribers.	Nominees on Widows' Fund.	Nominees on Children's Fund.
In 1852-53,.....	438	352	600
1853-54,.....	502	408	680

E. E.

GEO. W. KELLNER,
Accountant and Collector.

R. C. TULLOH,
T. S. C. HOWE, { *Auditors.*

Published by order of the Directors,

H. ANDREWS,

Secretary.

FUND OFFICE,
The 15th July 1854. }

At the Annual General Meeting of Proprietors of the Bank of Bengal, (Monday the 7th August 1854,) agreeably to the XXXVI. Section of the Charter Act. No. VI of 1839.

No. 1. Copy of the Statement of the Balance of the Bank, the 31st December 1853, transmitted to Government on the 5th January 1854, agreeably to the XXXIV. Section of the Charter Act, No. VI. of 1839.

No. 2. Copy of the Statement of the Balance of the Bank, the 30th June 1854, transmitted to Government on the 6th July 1854, agreeably to the aforesaid Section of the Charter.

No. 3. Statement of the Profits for six months, *viz.*, from 1st July to 31st December 1853.

No. 4. Statement of the Profits for six months, *viz.*, from 1st January to 30th June 1854.

No. 5. Statement of the whole Profits for twelve months, *viz.*, from 1st July 1853 to 30th June 1854.

No. 6. List of Proprietors.

Chairman.

Commercial Bank of India.

CALCUTTA BRANCH.

Rates of Exchange on the London Joint Stock Bank—
At 6 ms. ... not under £50,.. 1-11½ per Rupees.

" 4 " , 1-11½ "

" 3 " , 1-11½ "

" 2 " , 1-11 "

" 1 " , 1-10½ "

At sight..... , 1-10½ "

Delivery of the Bank's Drafts must be taken at the Office, except when applied for by Post, and particulars for drawing it is requested, may be sent in at least a day before the closing of the Mails.

J. E. MACLACHLAN,
Agent.

To the Shareholders of the India General Steam Navigation Company.

NOTICE is hereby given, that the ordinary Half-yearly General Meeting of the Shareholders will be held on Monday the 18th September, at 3 o'Clock P. M., at the Office of the Company.

After the general business of the day, this Meeting will be made special for the purpose of taking into consideration the subject of the suspension of

Mr. H. N. P. Grant from the Office of Secretary, and passing such resolutions as may be necessary.

By order of the Directors,

J. F. STACE,
Acting Secretary.

*I. G. S. N. Co.'s Office,
Olive Street Ghaut, Calcutta,*
31st July 1854.

Notice.

MR. WILLIAM MAITLAND was admitted a partner in our firm on the 1st instant.

The interest and responsibility of MR. JOHN CARRINGTON PALMER in our firm ceased on the 30th ultimo.

MACKILLOP, STEWART AND CO.

Calcutta, 14th July 1854.

NOTICE is hereby given that the first half of Bank of Bengal Note, No. 30284 for Fifty Rupees came into our possession on the 9th Feb. 1854, the second half of which has not yet reached us, is supposed to have been lost, payment of which has been stopped at the Bank.

D. WILSON AND CO.

NOTICE—MR. WILLIAM DENT, Junior, and MR. THOMAS C. LESLIE are this-day admitted Partners in our Firm.

DENT AND CO.

*Hong-Kong, }
1st July 1854. }*

LOST.—Government Promissory Note, No. 12686, dated 1st February 1842-43, for Company's Rupees (500) Five Hundred, in the name of Sreemutty Ramasondry Dossee. Also Government Promissory Note, No. 3977 of 5858 of 1832-33, dated 1st May 1832, for Sicca Rupees (800) Eight Hundred, in the name of the said Sreemutty Ramasondry Dossee.

STOLEN—First Halves of Bank of Bengal Notes, Nos. 29221 and 29271, from the Electric Telegraph Office at Munglepore.



SUPPLEMENT TO
The Calcutta Gazette.

Published by Authority.

SATURDAY, AUGUST 12, 1854.

MADRAS GOVERNMENT PRICES CURRENT.

THE following Prices Current, received from the Madras Government, are published for general information:—

Statement showing the Wholesale Prices of Grain in the District of Tinnevelly, from 2nd to 8th July 1854.

	COARSE PADDY.		1ST SORT PADDY.		CHOLUM.		CUMBOO.		RAGGY.		WARAGOOG.		TENNAY.		HORSE GRAM.		
	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	Grain Cottah.	Madras Garee.	
Cusbah Tinnevelly,	4 15 9	150 7 10	5 2 10	156 3 2	Rs. A. P.	Rs. A. P.	No transaction.	5 9 6	168 14 6	4 10 4	140 4 7	Rs. A. P.	Rs. A. P.				
Shevaceusey, in the Sautoor Talook,; Sea Port Towns.	4 7 3	134 7 0	4 10 5	140 6 9	4 13 0	146 11 4	5 1 0	153 11 2	3 15 4	119 8 1	3 2 4	94 15 7	4 4 5	29 1 6	5 10 0	169 13 2	
Coolasagarapatam,	No transactions.	4 12 0	143 6 6	No transactions.	4 7 3	131 7 0	.....	.....	.....	.....	.....	.....	.....	.....	7 2 0	215 1 8
Coilpatam,	4 8 5	136 10 1	No transactions.	.....	4 12 0	143 6 6	.....	.....	.....	.....	.....	.....	.....	.....	5 5 0	179 4 1
Tutacorin,	5 1 6	153 12 6	5 8 10	167 9 11	5 5 6	161 5 3	5 8 10	167 9 1	4 11 9	142 15 4	4 4 5	129 1 7	6 6 1	102 10 0	5 15 0	179 4 1	

TINNEVELLY; Tencausey, 15th July 1854.

N. B.—The local measure a heaped one.

C. J. BIRD, Collector.

Statement showing the current selling Prices of Grain in the Cusbah and next largest Town and at all the Sea Ports in the Province of Tanjore, for the week ending 7th July 1854.

NAMES OF TOWNS.	WET GRAIN OR PADDY.				DRY GRAN.				REMARKS.
	First sort per Garce.	Second sort per Garce.	Natcheny per Garce.	Cumboo per Garce.	Varagoo per Garce.	Samy per Garce.	Sholum per Garce.	Horse Gram per Garce.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		
Combaconum,	117 6 7	164 15 8	
Munnargoody,	131 15 9	.....	.....	.....	.....	.....	192 7 7	A Madras Garce is equal to 116 Tanjore Cullums.
Trimulvassel, .....	.....	.....	.....	.....	.....	.....	.....
Tranquebar,	120 8 1	120 8 1	.....	.....	.....	.....	212 14 4	A Cullum is equal to 12 Mercals or 24 Measures.
Nagore,	133 4 0	.....	.....	.....	.....	.....	216 8 6	
Negapatam,	144 5 8	138 9 3	.....	.....	.....	.....	216 8 6	The Mercal and the Measure are not struck but heaped.
Toptoray,	147 6 10	.....	.....	.....	.....	192 7 6	.....	
Mootooppettah,	138 12 2	.....	164 15 4	.....	.....	.....	216 8 6	
Total,	933 11 1	259 1 4	164 15 4	.....	.....	192 7 6	1219 15 1	
Average,	133 6 2	129 8 8	164 15 4	.....	.....	192 7 6	203 5 2	

TANJORE, 17th July 1854.

H. FORBES, Collector.

Return of the Wholesale Prices of Grain at Nellore and Ongole and the larger Sea Ports in the Nellore District, for the week ending 8th July 1854.

	Nellore.		Ongole.		Ramiapatam.		Paukala.		Cottapatam.		Etamookala.		REMARKS.
	Candy.	Garce.	Candy.	Garce.	Candy.	Garce.	Candy.	Garce.	Candy.	Garce.	Candy.	Garce.	
Paddy, 1st sort,	32 0 0	137 2	5 34 0 0	145 11 9	31 0 0	132 13 8	34 0 0	145 11 4	33 0 0	141 7 0	33 0 0	141 7 0	A. P.
Ditto, 2nd do.,	28 8 0	122 2	0 30 0 0	128 9 3	30 0 0	128 9 3	33 0 0	141 7 0	30 0 0	128 9 3	30 0 0	128 9 3	7 1
Cholum,	45 0 0	192 13	9 41 0 0	175 11 7	.....	.....	44 0 0	188 9 3	44 0 0	188 9 4	44 0 0	188 9 4	9 3
Sujjaloo, .....	.....	.....	.....	.....	.....	.....	40 0 0	171 0 0	.....	.....	.....	.....	9 4
Raggy,	38 0 0	162 15 0	28 0 0	120 0 0	.....	.....	40 0 0	171 0 0	.....	.....	.....	.....	4 5
Auloo, .....	.....	.....	28 0 0	120 0 0	.....	.....	28 0 0	120 0 0	120 0 0	128 0 0 1	28 0 0	128 0 0 1	4,800 Seers = 1 Madras Garce.
Corraloo, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	The measures used in the District are heaped.
Horse Gram,	60 0 0	257 2	6 40 0 0	170 7 0	47 0 0	201 4 1	42 0 0	170 7 0	40 0 0	170 7 0	40 0 0	170 7 0	

NELLORE; Collector's Office, 17th July 1854.

F. B. ELTON, Collector.

A Return exhibiting the Prices of Grain at the different Cusbah Stations in the District of Chingleput, during the week ending 10th July 1854.

Names of Towns.	1st sort Paddy.	2nd sort Paddy.	Cholum.	Raggy.	Aurecay.	Tennay.	Comboo.	Horse Gram.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Caroongooly,	136 9 4	125 13 0	.....	215 6 2	.....	.....	.....	290 14 7
Ootramaloor,	140 0 0	140 0 0	.....	187 0 11	.....	.....	.....	290 14 7
Conjeeveram,	140 0 0	128 11 9	.....	200 0 0	.....	.....	.....	320 0 0
Wallajahbad,	118 13 4	139 2 1	.....	177 12 5	81 2 6	.....	.....	266 10 8
Chingleput,	131 6 0	120 1 8	.....	215 6 2	.....	.....	.....	311 1 9
Sadras,	147 5 10	140 0 0	.....	186 10 9	.....	.....	.....	280 0 0
Streeparamadoor,	147 5 10	140 0 0	.....	233 5 4	.....	.....	.....	339 7 5
Terooporoor,	131 6 0	127 4 4	.....	203 10 2	.....	.....	.....	311 1 9
Covelong,	147 5 10	133 5 4	.....	169 11 2	.....	.....	.....	254 8 8
Sydapettah,	.....	136 9 4	.....	169 11 2	.....	.....	.....	.....
Pallavaram,	140 0 0	134 15 0	.....	185 2 0	.....	.....	.....	280 0 0
Poonamally,	134 15 0	124 7 1	180 10 4	169 11 2	100 0 0	254 8 8	147 5 11	243 7 8
Teroovulloor,	137 13 6	133 5 4	.....	200 0 0	.....	.....	.....	294 11 10
Ponnary,	129 2 11	121 11 7	.....	200 0 0	.....	.....	.....	280 0 0
Pulicat,	133 5 4	.....	.....	.....	.....	.....	.....	.....
Streehurricottah,	.....	.....	.....	.....	.....	.....	.....	.....

CHINGLEPUT DISTRICT; Collector's Cutcherry, Sydpet, 18th July 1854.

P. B. SMOLLETT, Acting Collector.

Statement showing the wholesale Prices of Grain as selling in the Cusbah and next larger Towns in the District of North Arcot, from 9th to 15th July 1854.

Names of Towns.	Coarse Paddy.	1st sort Paddy.	Jawary.	Bajara.	Raggy.	Codooroo.	Conjoony.	Coolty or Horse Gram.
	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.	Measures of 150 Rs. weight of Horse Gram per Rupee.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Chittoor,	25 102 6 9	24 $\frac{1}{2}$ 104 8 3	14 $\frac{1}{2}$ 138 3 1	...	21 121 15 1	...	...	11 232 14 9
Wallajahpet,	22 116 5 9	21 121 14 6	...	...	18 142 3 6	...	...	10 $\frac{1}{2}$ 243 13
Vellore,*	21 $\frac{1}{2}$ 112 15 4	20 123 0 1	16 153 2 1	16 153 12 1	19 129 7 4	...	...	11 $\frac{1}{2}$ 213 14

Note—In this District the Measure is heaped in selling Grain.

* In Vellore, the local Measure contains 156 Rupees weight of Horse Gram; in the rest of the District, it contains only 150 Rupees weight.

NORTH ARCOT; Collector's Cutcherry, Chittoor, 19th July 1854.

J. D. BOURDILLON, Collector.

W. GORDON YOUNG, .

Off. Under-Secy. to the Govt. of Bengal.



The Calcutta Gazette.

Published by Authority.

Notification.

THE 14TH MAY 1853.—The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co. for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.

CECIL BEADON, Secy. to the Govt. of Bengal.

WEDNESDAY, AUGUST 16, 1854.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill relating to mesne profits and to improvements made by holders under defective titles.

Preamble. Whereas it is expedient to limit the liability for mesne profits in certain cases and to secure to *bond-fide* holders under defective titles the value of improvements made by them; It is enacted as follows:—

I. No tenant shall be chargeable in any action

Tenant protected from claims for mesne profits, who has *bond-fide* paid to his landlord.

his title as tenant, or to whom he had *bond-fide* attorned before the commencement of the litigation as to the title, but the claim must be asserted against the party receiving the rents and profits from such tenant.

II. No account for mesne profits shall be

No account for mesne profits to be carried back beyond time of notice of real title. possession under it unless the possession was taken by violence or with knowledge of the real title.

III. Any person who is evicted by better title

Such party dispossessed may rank an equitable mortgage for improvements, &c., vessels ave the value of all buildings

and other improvements which he has *bond-fide* made in the lands estimated and secured to him, and may set-off the same against the rent and profits for which he may be liable to account, and shall have for the whole of the surplus a lien on the estate, which may be enforced as the lien of an unpaid vendor for his purchase-money.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill to provide compensation to families, for loss occasioned by the death of a person, caused by actionable wrong.

I. It is enacted that whenever the death of a

Action for compensation to the family of a person for loss occasioned to it by his death by actionable wrong. person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the party who would have been liable, if death had not ensued, shall be liable to an action or suit for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances amount in law to felony. And it is enacted further, that every such action or suit shall be for the

benefit of the wife, husband, parent and child, all or any of them of the person whose death shall have been so caused, and shall be brought by and in the name of the Executor, Administrator or Representative of the person deceased, and in every such action, the Court may give such damages as it may think proportioned to the loss resulting from such death to the parties respectively, for whom, and for whose benefit, such action shall be brought, and the amount so recovered, after deducting all costs and expenses, including the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the Court by its verdict or sentence shall find and direct, provided always that not more than one action shall be for, and in respect of the same subject matter of complaint, and that every such action shall be brought within twelve calendar months after the death of such deceased person.

II. And it is further enacted, that on the insti-

Plaintiffs shall tution of such action or suit, or as deliver particulars, soonafter as the Court shall direct, &c. the plaintiff shall deliver to the defendant, or to his Attorney or Vakeel, or person, by the practice of the Court, authorized to appear and act for him, a full particular of the person or persons, for whom, or on whose behalf, such action or suit shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill to improve the English Law in force in India, by extending to this Country, with some enlargement thereof, the provisions of Statute 3rd and 4th William 4th, Cap. 42, Section 2.

Whereas by the English Law in force in India, many actions for wrongs do not survive against the Executor or Administrator of the wrong-doer or in favor of the Executor or Administrator of the injured person, and it is desirable to extend to this country, with some enlargement thereof, certain provisions contained in a certain Act of Parliament, which has been passed for remedying these defects in the law, that is to say, the Statute 3rd and 4th William 4th, Cap. 42, Section 2; It is therefore enacted that—

An action may be maintained by the Executors, Administrators or Representatives of any person deceased, for any wrong committed in the life-time of such person towards him, which has occasioned pecuniary loss to his estate, for which wrong

action might have been maintained by such person, but which, before the passing of this Act, would not have survived to his Representatives, so

as such wrong or injury shall have been committed within one year, or have been without his neglect first known to him within one year before the death of such deceased person, and provided such action shall be brought within one year after the death of such person and the damages when recovered shall be part of the personal estate of such person; and further, an action may be maintained against the Executors, Administrators or Representatives of any person deceased for any such wrong committed by him in his life-time and which would not have survived against his Representatives, so as such injury shall have been committed within one year before such person's death and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the administration of the estate and effects of such person, and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person. And when any action or suit has been commenced by the injured party in his life-time, it shall not abate by his death or be lost, whatever be its nature, but the Executors, Administrators or Representatives may continue it for the purpose of recovering the costs and expenses of suing, or any special or consequential or other loss or damage included in the action, which the injury has occasioned, or may occasion, to the estate of the deceased.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

5th August 1854.

THE following Bill was read a second time in the Legislative Council on the 5th of August 1854, and referred to a Select Committee, who are to report thereon after the 9th of November 1854.

A Bill for discontinuing the practice of issuing Warrants for the payment of Bills of Exchange.

Whereas the issue of Warrants for the payment of money in discharge of Bills of Exchange drawn on the Treasuries of the Collectors is unnecessary, and the payment of such Bills at those Treasuries should be made without such Warrants; It is enacted as follows:—

So much of Section 12 Regulation II. of 1793, of Section 12 Regulation V. 1795, of Section 11 Regulation XXV. of 1803, and of Section 18 Regulation VIII. of 1805 of the Bengal Code, as prescribe that all issues from the Treasuries of the Collectors shall be made under a Warrant signed by the Collector and sealed with the seal of the zillah, are hereby repealed, so far as the same relate to the payment of money in discharge of Bills of Exchange drawn upon Collectors, repealed. Exchange drawn upon the Collector as the disbursing Officer at such Treasuries.

W. MORGAN,

Clerk of the Legislative Council.

Legislative Council.

12th August 1854.

THE following Act, passed by the Legislative Council, received the assent of the Most Noble the Governor General of India on the 12th of August 1854, and is hereby promulgated for general information :—

ACT NO. XVII. OF 1854.

An Act for the management of the Post Office for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

I. Act No. XVII. of 1837, Act No. XX. of Repeal of former Acts. 1838, and Act No. XVII. of 1839 are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say :

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

III. Wheresoever, within the said territories, posts or post communications are, or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing that is to say :

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters concerning goods in their carriages.

2. Owners and Commanders of ships, steamers, or other vessels passing on any river or ca-

nal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III. of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

V. For carrying on the service of the Post Office, it shall be lawful for the Appointment of Governor General of India in Officers. Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

VI. Wheresoever posts or post communications are, or shall be established by Postage rates on letters, the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale :

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post when posted at the place of dispatch.

VII. Wheresoever posts or post communications are, or shall be established by the East India Company, postage rates on newspapers, &c.

Postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale:

1. On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs, and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspa-

per, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

VIII. A newspaper, pamphlet, or other printed or engraved paper shall be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions

be observed, that is to say :

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

IX. Any newspaper, pamphlet, or other printed

When to be charged with letter postage.

the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

X. Proof sheets marked as such may be sent

Proof sheets.

by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

XI. Inland banghy postage shall be charged

Inland banghy postage.

by weight and distance, on parcels sent by the banghy post according to the following scale

For Distances,	If NOT EXCEEDING IN WEIGHT						Rs. As.
	20 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	
Not exceeding, 100	0 2	0 4	0 8	0 12	1 0	1 4	1 8
Not exceeding, 300	0 6	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding, 600	0 12	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding, 900	1 2	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding, 1200	1 8	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding, ...	1 14	3 12	7 8	11 4	15 0	18 12	22 8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

XII. Books, pamphlets, packets of newspapers, Books, pamphlets, and of printed or engraved

Books, pamphlets, papers other than newspapers, &c. provided they do not exceed

one hundred and twenty tolahs in weight, and be sent without covers or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamp to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried :

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

XIII. Banghy postage, when chargeable by distance under Section XI., shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI., and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII. of this Act, as the case may be;

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such

Certificate. certificate be false, any such

thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided.

Parcels exceeding forty tolahs.

Parcels exceeding forty tolahs, and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

XVI. Whenever the Post Master General of

Where banghy parcels and letter mails are conveyed in the same carriage.

with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

XVII. On all parcels chargeable under Section

XI. with banghy postage according to distance when conveyed by land, ship post-

age shall be charged when they are conveyed by means of the East India Company's post by sea according to the following scale, *viz.*:

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

XVIII. No parcel exceeding six hundred tolahs in weight, or three

Limitation of weight and dimensions of parcels. feet in length, or one foot in breadth, or one foot in

depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for dispatch either by ship or steam-boat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct. On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six

hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

XIX. Letters and newspapers posted for dispatch, either by Her Majesty's Mails or otherwise to Ceylon, must be pre-paid. or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for dispatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps. Provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

XX. Subject to any alteration which may be made by virtue of the power Postage on letters, &c., hereinafter vested in the Governor General of India in Council, letters posted for dispatch, either by sea or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section XI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps: when not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

XXI. It shall be lawful for the Governor General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

XXII. If any letter be posted, having affixed Letters, &c., with insufficient stamps, how charged. thereto a postage stamp or stamps, the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage to which

such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto, and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

XXIV. No person shall knowingly post, or send, or tender, or deliver No dangerous substance in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy alter the rates of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

XXVI. No person having delivered into any Post Office any letter, parcel, Letters and packets or packet shall be entitled once put into the Post Office, to recall the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so recalled or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

XXVII. The postage charged on letters and packets by Her Majesty's Steam postage. Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official Gazette of any Presidency, be recovered in the same manner as postage chargeable under this Act.

XXVIII. All letters and other articles, having Postage stamps. a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

XXIX. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

XXX. Postage stamps provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums

Postage stamps to be under management of any Officer to be appointed of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

XXXI. The Governor General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

XXXII. Government vendors of postage stamps Vendors to be bound by rules shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

XXXV. Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged or counterfeited die,

plate, or other instrument resembling, or intended to resemble, either wholly or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged, or counterfeit die, plate, or instrument as aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the person accused) have in his possession any paper or other substance having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument as aforesaid; or having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp, such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Clause 2. Any Officer of Police may seize and transmit to the Magistrate Forged stamps may be seized.

any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

Clause 3. Any Officer of Police having power by law to search for stolen And searched for. property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

XXXVI. If any person shall fraudulently remove any postage stamp Penalties for evading from any letter or other postage stamp duties. thing to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing thereon written or impressed, every person so offending shall forfeit a sum not exceeding two hundred rupees for every such offence.

XXXVII. The person to whom any letter or other article, the postage of Postage on unpaid letters, &c., to be paid by which has not been paid, shall be delivered, shall not

be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any Officer in charge of a Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satis-

faction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

XXXIX. It shall be lawful for the Governor General of India in Council Expresses. to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

XL. When any vessel arrives by sea at any place within the territories under the Government of the East India Company at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet.

Penalty. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

XLI. Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within the said territories, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office shall forfeit for every such letter a sum not exceeding one hundred rupees.

XLII. For every letter delivered by the Commander of any ship in conformity with the directions of Section XL. of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of

one anna shall be chargeable as postage on such letter in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections XL, XLI and XLII. of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

XLIII. The Commander of every vessel leaving any place in the said Commanders of outward bound vessels to receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section shall be punished with a fine not exceeding one thousand rupees.

XLIV. Clause 1. A list of all letters, packets, and parcels posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

Clause 2. The Post Master General, or some To be opened, &c. person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Clause 3. All money found in any unclaimed Detention of letters on board prohibited. Money, &c. found therein. letter, packet, or parcel shall be paid into the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

XLV. Letters, parcels, or packets rejected Refused letters, &c. opened by the person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender, or shall at his discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain shall

be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

XLVI. On and after the passing of this Act, Franking abolished. the privilege of sending and

receiving letters and packets by the post, free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of

Letters on the public service duly certified as such, how to be charged. postage as any other letters sent by the post. Provided that letters and packets on

the public service, certified to be such by the signature of any public officer, authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall direct.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing, on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred rupees.

XLVIII. If any Officer in charge of a Post

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

Office shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections VIII., XV., XVI., or XLVII. of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed, to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ultimate proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or

packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

XLIX. The Government shall not be responsible for any loss or damage

Government not responsible for loss. which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

L. Whoever being in the employ of the Go-

Penalty for secreting, opening, or making away with letters, &c., by persons employed in the Post Office. vernment in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which

may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any baggy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

LI. It shall not be lawful for any person, un-

Penalty for detaining mails. less acting by express order of the Government, to detain, except for a criminal offence,

a Post Office messenger, whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

LII. Every person who shall fraudulently re-

Penalty for retaining letters, &c., delivered by mistake. tain, or wilfully secrete, or make away with, or keep or detain, or, being required to

deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LIII. Every person employed to convey or

Penalty for neglect on the part of persons employed to carry mails. deliver any post-bag, or any letter, parcel, or packet sent by post, who shall be guilty

while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for embezzlement by persons employed in the Post Office.

for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LV. Whoever being in such employ as is described in Section LIV. shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

lently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVI. Whoever being in such employ as is described in Section LIV., and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare

Penalty for incorrectly preparing documents, or secreting documents by persons employed in the Post Office.

that document incorrectly, or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVII. Whoever being in such employ as is described in Section LIV., shall send by the post, or put into any post bag, any un stamped letter, parcel, or

Penalty for sending letters without charging postage, by persons employed as above.

packet, upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable, for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of any Conviction to be quashed on merits only. Form of conviction, &c.

Justice of the Peace shall be quashed for error of form or procedure, but only on the

merits, and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in

obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his

Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LXI. The local Government may give general authority to any such As-

Government may authorize Assistants and Deputy Magistrates to exercise, without reference by a Magistrate, any of the powers which they are here-

by rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

LXII. All fines imposed under the authority of this Act, for offences pun-

Fines how levied. nishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of

Imprisonment if no sufficient distress were issued, any such Officer, by warrant under his hand, may com-

mit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months, where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case : the commitment to be determinable in each of the cases aforesaid on payment of the amount.

LXIII. A share not exceeding one moiety of every fine imposed Moiety of fines to Informer. and recovered under this Act may be awarded to the informer.

LXIV. No proceedings shall be taken for the recovery of any such fine No proceedings to be taken without an order. without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

LXVI. The word "Magistrate" in this Act Interpretation. shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

LXVII. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

LXVIII. Unless the Governor General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place at which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage thereon be pre-paid.

LXIX. It shall be lawful for the Governor General of India in Council, by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles to be specified in such order sent through the post from any part of the British Dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British Dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor General of India in Council may think fit.

LXX. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zamindaree, Thannah, or other District dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connexion therewith.

LXXI. This Act shall commence and take effect from and after the first day of October, 1854.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August, 1854.

THE following Act, passed by the Legislative Council, received the assent of the Most Noble the Governor General of India, on the 12th of August 1854, and is hereby promulgated for general information:—

ACT NO. XVIII. OF 1854.

An Act relating to Railways in India.

WHEREAS it is expedient, that all Railways which have been, or shall be opened by any Railway Company, under the superintendence and control of the East India Company, for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows:—

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to

any servant of the said Company, duly authorized to examine demand. the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person, not producing or delivering up his ticket,

as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove, that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

II. At the intermediate Stations, the fares At intermediate stations, fares and tickets to be conditional. shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be

furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference, according to the order in which they shall have received their tickets.

Provido.

Officers and troops of Her Majesty, or of the East India Company, on duty, and all other persons on the business of the East India Company, who, by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they shall have received their tickets.

III. Any person who shall defraud or attempt to defraud any such Railway

Penalty for fraud. Company, by travelling, or attempting to travel upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty rupees for each offence.

IV. Any passenger, who shall get into or upon,

Fine for entering carriage in motion. or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such

Or riding on the steps. Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers; shall be liable to a fine, not exceeding twenty rupees for each offence.

V. Any person other than the engine-man and

Fine for riding on engine, tender or luggage-van. fire-man, and assistant fire-man, if any, who, without the special licence of the Superintendent of locomotives, shall ride or

attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksmen, who, without such licence as aforesaid, shall ride, or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

VI. If any person shall smoke, either on the *Smoking prohibited.* premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by

any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

VII. Any person who shall be in a state of *Penalty for intoxication or nuisance.* intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty rupees; and in addition to such liability the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

VIII. If any special carriage, or portion of a *Penalty for entering private room or carriage.* carriage, or any private room or apartment, shall be provided by any such Railway Company

for the exclusive use of females, any male person who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises of the Company by any of the servants of the Company, and shall forfeit his fare.

IX. No such Railway Company shall in any *No liability for Passengers' luggage.* case be answerable for loss or injury to any passengers' luggage, unless it shall have been booked and separately paid for.

X. No such Railway Company shall in any *No liability for loss of gold, silver, &c., unless in case of special engagement.* case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured or unmanufactured,

or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamped paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lac, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same and an increased charge for the safe conveyance of the same shall have been accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

XI. The liability of such Railway Company *Public notice or private Contract not to limit liability.* for loss or injury to any articles or goods to be carried by them other than those specially provided for by this Act, shall not be deemed or construed to be limited or in any wise affected by any public notice given, or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross

negligence or misconduct on the part of their agents or servants.

XII. If any person shall fail to pay on demand any sum due to any such

Remedy for non-payment of the carriage of goods.

Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods, to realize the sum payable as aforesaid and all charges and expenses of such detention and sale, and out of the proceeds of the sale to retain the sum so payable together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

XIII. The owner or person having the care of any goods which shall

Written account of goods to be given on demand.

have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

XIV. If any such owner or person as aforesaid, shall wilfully fail to give

Penalty for false account.

such account to such servant of the Company; or if he shall wilfully give a false account thereof, he shall, for every such offence, be liable to a fine not exceeding fifty rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty rupees for any quantity of goods less than a ton or for any parcel less than one hundred weight.

XV. No person shall carry upon any such

Carriage of goods of a dangerous nature.

Railway any dangerous goods; or be entitled to require any such Railway Company to carry upon such Railway, any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being

carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

XVI. Any person who shall wilfully obstruct

Penalty for obstructing servant in his duty.

or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

XVII. Any person who shall trespass upon

Penalty for trespass.

any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

XVIII. Any person who shall wilfully ride,

Penalty for driving an animal upon or across Railway.

lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty rupees for each offence.

XIX. If the Railway cross any public carriage

Precaution if Railway crosses road.

road on a level, the Railway Company shall erect, and at all times maintain good and efficient gates, either across the Railway, or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates; if such gates be across the road they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages, passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway:

Proviso. provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Penalty. If any Railway Company shall wilfully fail to comply with the provision of this Section they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply

with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable

Railway to be fenced.
Penalty for not fencing.
to a fine not exceeding fifty rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order they shall be liable to a fine not exceeding fifty rupees for every day that they fail so to do.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Rail-

Liability of owner of animal trespassing.
way Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and maintain, shall be liable to a fine not exceeding ten rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

XXII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company;

Penalty for injury to carriage, &c.
or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty rupees.

XXIII. If any person for whose use or accommo-

Penalty for opening or not properly shutting gates.
dation any gate shall have been set up by any such Railway Company on either

other person, shall open such gate; or pass, or attempt to pass, or drive, or attempt to drive any carriage, cattle, or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge, shall have passed through the same, he shall be liable to a fine not exceeding fifty rupees.

XXIV. If any person shall commit any offence Offender may be apprehended.
hereby made punishable by fine, and the name and address of such person shall be

unknown, or there be reason to believe that the offender will abscond, any officer or servant of the

Company, or any police officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that

Penalty for wilful act or omission endangering a passenger.
he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXVI. If any officer or servant of such Rail-

Penalty for wilful act or omission in a Railway officer.
way Company shall wilfully do any act which he is legally prohibited from doing; or shall

wilfully or negligently omit to do what he is legally bound to do, and if, in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine, or to both.

XXVII. Any officer or servant of such Rail-

Penalty for drunkenness or breach of duty by Railway officer.
way Company who shall be in a state of intoxication, whilst actually employed upon the Railway, or any of the works connected therewith, in the dis-

charge of any duty, and any officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this Section above-mentioned be such, that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

XXVIII. If any person shall rashly or negli-

Penalty for an act not wilful.
gently and without lawful excuse do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

XXIX. In the construction of this Act, every

Rule of Construction of this Act.
officer and servant of such Railway Company, shall be deemed to be legally bound to

do every thing necessary for, or conducive to the safety of the public which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor General of India in Council, and of which Regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be

likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XXXI. No conviction, order, or judgment of any Justice of the Peace, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face

of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *cetiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

XXXIII. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such assistant or Deputy Magistrate.

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the

offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXXV. The heads of district police and amieens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of this Act, may be enforced in the same manner as any fine imposed by this Act.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV., XXVI., XXVII., and XXVIII., of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade, as shall, by any law in force for the time being, be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural, words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XXXIX. Acts No. III. of 1853 and No. XII. of 1853, are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

XL. Every Railway within the said territories used for the public conveyance of passengers or goods shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong, shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

XLII. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required,

Penalty. every such Company shall forfeit the sum of fifty rupees for every day during which the said Company shall neglect to deliver the same.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of Charges which shall from time to time be published by any Railway Company, with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the Vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August 1854.

THE following Bill was read a second time in the Legislative Council on the 12th of August 1854.

A Bill for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George.

WHEREAS it is desirable to simplify and shorten the procedure in regular appeals to the Court of Sudder Udalut in the said Presidency, it is enacted as follows:—

I. Clause 1st.

Petition of regular appeal, when and to what Court to be presented, and what to contain.

cision was passed of the decision. Such petitions of appeal shall, except in cases of petitions under Section XII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.

The Sudder Court may extend the time for presenting such petition of appeal to the lower Court, upon being satisfied that there is sufficient cause for such extension of time. The application for such extension of

time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

II. On presentation of a petition of regular

Notice to be given to respondent—and proclamation to issue.

same effect, shall immediately issue from that Court, and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner abovementioned, the proclamation shall be fixed up in such other place, if any, as the said last mentioned Court shall direct. The Nazir shall make a return to the Court stating when and where, the notice and proclamation have been served or fixed up. The return of the Nazir shall be filed in Court, and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

III. Clause 1st.

The rule in Section XI. Regulation V. of 1802, which directs copies of all original papers transmitted to the Sudder Court with the record of an

appealed case to be made out and deposited in the Court, in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate, and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them, which either of the parties shall require to be copied, authenticated, and deposited in the lower Court, previously to their being transmitted to the Sudder Court.

Clause 2nd.

If either of the parties require any papers to be copied, authenticated and deposited, such party shall, either by himself, or his pleader, or authorized agent

give notice in writing thereof to the lower Court before the expiration of fourteen days from the time of the publication of the return of the

Nazir, as aforesaid : such notice shall specify the papers which the party requires to be copied, authenticated, and deposited.

Clause 3rd. Either party may by himself, or his pleader or authorized agent, before the presentation of an appeal, give notice in writing to the lower Court specifying any papers or documents which he requires to be copied, authenticated, and deposited, in the event of an appeal being prepared.

Petition and record when to be certified to the Sudder Court. IV. The petition of appeal together with the record of the lower Court, shall be certified to the Sudder Court as soon as conveniently may be, after the presentation of the petition of appeal, provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated, and deposited.

Notice to appellant to file objections. V. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

Notice to respondent to file objection. VI. *Clause 1st.* On the filing of the grounds of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

When respondent to file objections. VII. *Clause 2nd.* Within the said space of four weeks, the respondent shall file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

In what case respondent may file a separate petition of appeal. VIII. *Clause 3rd.* If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Ground of objection to be filed therewith. IX. *Clause 4th.* The respondent shall, in such case, file with his petition of appeal, his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

Record when to be deemed complete. X. *Clause 1st.* At the expiration of the time allowed to the respondent for filing his grounds of objection, and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision, on any day which the Sudder Court may notify, unless the respondent, within such time, file a separate petition of appeal in the Sudder Court.

Notice of separate petition of appeal to be given. XI. *Clause 2nd.* If the respondent file a separate petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court, to the effect that

the respondent has filed such separate appeal ; and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd. Within such space of four weeks, the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Hearing of appeals. XII. *Clause 4th.* If the appeal of either party, be dismissed, or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals, and the proceedings thereon, shall form one record, unless the Sudder Court shall otherwise order.

In what case respondent not to present a separate petition of appeal. XIII. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

IX. Clause 1st. All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely, without any argument or narrative of facts; and shall be numbered consecutively, and, except in the cases hereinafter mentioned, shall be on paper bearing the stamp

Exception. XIV. *Regulation XIII. of 1816.*

Sudder Court may extend the time for filing objections. XV. *Clause 2nd.* The Sudder Court may extend the time for filing grounds of objection, either by an appellant or respondent, upon special application for that purpose, and upon sufficient reasons being shown, to the satisfaction of the said Court, for such extension of time. In such case, the objections may be filed within such extended time.

X. *Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing amend his grounds of objection, or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order.* The said Court

may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds, or to urge, and be heard by himself or his pleader, in support of any objection not included in his grounds of objection, upon such terms and conditions, as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise, or otherwise. Without such leave of the Court, neither party shall be allowed to urge or to be heard in support of any objection not included in his grounds of objection filed. But the Court

shall not be confined to such grounds of objection on deciding the cause.

XI. Clause 1st. The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent, or the appellant, to the appeal of the opposite party; and the Sudder Court may hear and decide upon such grounds of objection, before calling the case up for decision, upon the grounds of objection to the decision of the lower Court.

Clause 2nd. If the grounds of objection filed by the appellant, and respondent, shall be upon point of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision, on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd. If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court, that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section, and if the decision of the case upon the law, shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XII. If any party to a regular suit be desirous of being admitted to appeal *in forma pauperis*, the following procedure shall be adopted:

Clause 1st. The appellant shall present his petition to the lower Court according to the rules prescribed by Section I. of this Act, provided that a petition to appeal *in forma pauperis* against any

Petition when to be presented:
Proviso.
decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd. Petitions of appeal by parties desirous to appeal *in forma pauperis*, shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of two rupees per sheet.

Clause 3rd. Upon the presentation of such petition, the notice to the respondent, and the proclamation, shall state that the appellant desires to appeal *in forma pauperis*.

Clause 4th. On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except, that after the filing of the grounds of objection by the appellant

and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not, the appellant shall be allowed to appeal *in forma pauperis*.

Clause 5th. If the Sudder Court allow the petitioner to appeal *in forma pauperis*, notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VI. of this Act, and the same procedure shall be adopted subsequently thereto, as in other cases of regular appeal under this Act. The rules

Rules of Sudder as to pauper appeals to persons admitted by the Sudder Court to appeal *in forma pauperis* and conditions now applicable to persons admitted by the Sudder Court to appeal *in forma pauperis*, shall continue in force; except where the same are inconsistent with any of the provisions of this Act.

Clause 6th. If the Sudder Court refuse to allow the petitioner to appeal *in forma pauperis*, the said Court may make an order to the effect, that the appellant, upon filing a petition of appeal in that Court upon paper bearing the stamp duty prescribed by Section XIII., and Clause 2, Section XXIII., Regulation XIII. of 1816 may proceed with the appeal, according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th. Upon such order being made, the appellant shall file his petition and re-file his objections upon paper stamped with the stamp duty, required by Clause 5th of this Section, within two weeks from the date of such order, or within such further time, as the said Court may allow for that purpose; otherwise the appeal shall stand dismissed.

Clause 8th. Upon the refiling of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VI. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice, shall be according to the general provisions of this Act.

Clause 9th. If an appellant shall petition to appeal *in forma pauperis*, his grounds of objection may be written on plain paper.

XIII. If an appellant shall be admitted to appeal or a respondent to defend *in forma pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XIV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Suder Court, on account of any error, defect, or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XV. The provisions of this Act shall not apply to regular appeals preferred from decrees passed before the passing of this Act, which appeals shall be subject to all the forms and rules in force previous to the passing of this Act.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August 1854.

The following Bill was read a second time in the Legislative Council on the 12th of August 1854.

A Bill to amend the Law of Evidence in the Civil Courts of the East India Company in the Madras Presidency.

WHEREAS the law of evidence administered by the Civil Courts of the Presidency of Fort St. George in Madras, and the rules for the attendance and examination of witnesses and the production of documents in Courts, require amendment. It is enacted as follows:—

I. Section VII. Regulation III. of 1802, Section XX. Regulation IV. of Repeal of former 1802, Clauses 1st and 2nd, Regulations. Section XXIX. Regulation VI of 1816, and Section XIV. Regulation VIII. of 1816 of the Madras Code, so far as they are inconsistent with the provisions of this Act; and Section XXII. Regulation VII. of 1809, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal, or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf or on behalf of any other party to the suit, appeal, or proceeding, in the same manner as if he were not a party to the same. Provided that no

party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XXXII. or XXXVIII. of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the par-

ties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent Husband or wife when a competent witness for or against the other. as the Court may direct having regard to the usages and customs of the country, or that it be taken and read, and subject to the Rules prescribed in Section XXXII. or XXXVIII. of this Act; provided also that

any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided

that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit, in which according to the practice of the Court a day is fixed for the hearing, shall have filed their exhibits and lists of witnesses, the Court shall, by an order in writing, appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether the parties to the suit or not, whom the party filing the list may intend to call as witnesses, or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall, by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as witness is required, or without such application, if the Court think fit so to do, may, before making

such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. *Clause 1.*—In support of the cause shown, Written declaration the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2. If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be liable to the punishment provided for the offence of making a false allegation in a petition to a Judicial Court, by Section II. Regulation I. of 1832.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

XII. The Court, on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document.

Expenses of witness to be fixed and paid into Court before summons, and tendered to witness at time of service.

as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any, to which such Court shall be subordinate. The sum so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document, shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If a

witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every such summons shall, if possible be served personally upon the How service of summons to be made. person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified Time of service of summons. therein for his attendance, to allow the witness a reasonable time for preparation, and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall as a witness bound to attend at the time and place named for that pose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness, not a party to the suit proceeding in which he is summoned, shall not be bound to produce his own title-deeds. In what case a witness is bound to produce his title-deeds.

writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

XXI. A witness, being a party to the suit, shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every

Court may call for
and inspect, and may
examine witness-
to ascertain the
admissibility of a do-
cument; if deemed
admissible, reason
must be recorded.

witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to produce it, or cause it to be produced to the Court, although there be a valid objection to the right of the party calling for it to compel its production, or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it; and it shall also be lawful for the Court to inspect the document, and if necessary to call its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document shall not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for by the person, naming him who shall call for its production, that the person having the possession of the document, naming him, objected to its production; and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if such Court shall think that the production of the same ought to have been enforced, or that

*On appeal produc-
tion may be enforced.*

ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall

*Legal adviser not to
lose professional
communication to
client.*

not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by a barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and such the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney, or vakeel shall be bound upon examination to disclose any such matter.

XXIV. If any witness, whether a party to a

*Penalty for non-
compliance with sum-
mons.*

suit or not, to whom any summons to give evidence or produce a document shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons as required by this Act; or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document; and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property

of such person. Provided that

Proviso.

no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section XXVII. of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party; or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex parte*. If any such complaint, appeal, or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal, or complaint in respect of the same matter.

XXV. Any person present in Court, whether

*Person present
may be compelled
by Court to give
evidence, &c., with-
out summons.*

a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the

*Person not obeying
summons, &c., liable
for damages in a civil
action.*

suit or not, to whom a summons to attend and give evidence, or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons; and any person who, being in Court, and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession,

shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding or keeping out of the way as aforesaid, to be recovered in civil action.

XXVII. If a person, whether a party to a

After proclamation
the property of a witness
may be attached
and sold.

after diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed in the presence, and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode, and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent,) shall be liable, under an order

of the Court, to attachment and sale. Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. Clause 1.—The cost of the attach-

Costs of attachment
and proceedings thereon.

ment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order

the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine, not exceeding the amount in dispute in the suit, as the Court may deem fit to impose upon the witness, having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this

Appeal from order for
attachment.

as an appeal against an order for attachment and

sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying

Appeal from orders
as to fines, &c.

thereof, or as to imprisonment

under this Act, shall be sub-

ject to a similar appeal within

one month from the date of the order.

XXX. It shall not be necessary to postpone

Postponing case on
account of non-atten-

dance of witness, &c.

the hearing or decision of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court having regard to all the circumstances of the

case; provided that when a

Proviso.

summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence, or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required; and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the doc-

ument required.

XXXI. On the day appointed for the hearing

Oral evidence how
to be taken.

the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence, and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, an

particular question and answer if there shall appear any special reason for doing so, or any party or his vakeel, shall require it. If any question put to a witness be objected to by either of the parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

XXXII. In cases where the evidence is needed of females, who, according to Evidence of purdah women. the custom of the country, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section V., Act VII. 1841, to the contrary notwithstanding.

XXXIII. On or before the day appointed for trial, the Court may, for any sufficient reason, such as the unavoidable absence of any material witness, or for other good cause, on the application of either party, postpone the hearing to another day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summonses as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner as if such notices had been expressly mentioned in such provisions. If the application be too late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority, will allow, and the recording of evidence on the trial of any suit

when begun under the rules above enacted, shall, unless there be good and sufficient reason to the contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties or such of them as desire it shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the arguments and evidence, the Judge shall record his judgment under Act XII. of 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence, or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section XXXII. of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case, may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either witnesses to remain before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any

witness in a cause who, without lawful excuse, shall wilfully remain in or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal, or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time

being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, Interpretation of word "witness" in Act. VII. 1841. shall respectively include any party or parties to a suit, and the said Act shall

be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided that the

Proviso. deposition of a party taken under the provisions of this Section, at the instance of any opposite party, may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that in the judgment of the Court it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless Interpretation Clause. where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other Officer or person mentioned in Section II. of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any Officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section II.; the word "witness" shall include all persons

competent and liable to give evidence, whether parties to any suit or proceeding, or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versa*.

XLII. This Act shall come into operation on the

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 846.

Fort William, Home Department,
The 12th August 1854.

Notification.—The Most Noble the Governor General in Council is pleased to attach Mr. W. J. Money, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

G. ALLEN,
Offg. Secy. to the Govt. of India.

No. 31.

Fort William, Financial Department,
The 15th August 1854.

Notification.—Notice is hereby given, that the Salaries, Pay, Batta and Allowances of the Civil, Military and Marine Departments for August 1854, will be payable as under:—

Military and Marine Departments, on Monday the 11th Proximo.

Civil and Marine Departments, on Friday the 15th Proximo.

By order of the Most Noble the Governor General in Council.

C. HUGH LUSHINGTON,
Offg. Secy. to the Govt. of India.

No. 1850.

Orders by the Lieutenant Governor of Bengal.

Appointment.—*The 11th July 1854.*—Mr. R. Ahmety to be a Member of the Local Committee of Public Instruction at Mymensingh.

Leave of Absence.—*The 31st July 1854.*—Mr. R. L. Mangles, of the Civil Service, to the 28th February 1855, under Medical certificate, in extension of the leave granted to him on the 29th of April last.

W. GREY,
Secy. to the Govt. of Bengal.

GENERAL ORDERS BY THE MOST NOBLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

FOR THE WILLIAM BROWN AUGUST 1854.

No. 814 of 1854.—In conformity with Government General Order, No. 144 of 1852, the following Statement of Deposits made in the General Treasury during the month of July 1854, on account of the Estates of deceased European Commissioned and Non-Commissioned Officers and Soldiers of the East India Company, is published for general information, and it is hereby notified that claims to the Estates in question, which shall not be preferred to the Sub-Treasurer by Executors or Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to and made payable by the Hon'ble the Court of Directors only :—

Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned and Warrant Officers and Soldiers of the East India Company's Service in July 1854.

On whose Account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	General Number.	Amount of Donations due to Estates.	Amount of Motions etc., curiing from the adjustment of Estates.	Date of Deposit.	How disposed of.			
									Total unclaimed amount Deposited.	Amount paid in India.	In Co.'s Rupees,	Equivalent in Sterling.
COMMISSIONED AND WARRANT OFFICERS.												
1st George Dempster Brown, ..	Lieutenant, ..	1st Eur. Ben. Fus., ..	20th June	1853, Intestate,	411 9	8	411 9	8	411 9	8 .....	.....
" Charles James Bean, ..	Captain, ..	4th Regt. Sikh ? Local Infy, ..	6th July	1853, Testate;	4,071 15	2	4,071 15	2	4,071 15	2	Leaving a Widow, Isabella Bean.	
4th Evan Philip Tighman Ne- pew, ..	Ditto, ..	38th Regt. L. I., ..	7th March	1854, Intestate,	1,633 4	9	1,633 4	9	1,633 4	9 .....	.....
7th Charles Coventry, ..	Colonel, ..	70th N. I., ..	7th May	1854, Testate,	6,643 5	3	6,643 5	3	6,643 5	3	The next of kin is Eliza Murray, the deceased's eldest Daughter, residing with her husband Lt. C. Murray, 70th N. I., at present stationed at Uniballah.	
2 Henry Farrell, ..	Asst. Apothecary, ..	Attached to a Detachment of Vols. of H. M.'s 80th Foot, ..	19th April	1854, Intestate,	198 0	7	198 0	7	198 0	7	Leaving a Brother, William Farrell, Subordinate Medical Department at Jullunder, and a Sister, Eliza, wife of Conductor Lilly, of Cooly Bazar, also another Brother Robert Denis Farrell, a pupil in La Martiniere Institution.	
15th William John Edward Boys, ..	Captain, ..	6th Lt. Cavalry, ..	21st March	1854, Testate,	1,290 0	0	1,290 0	0	1,290 0	0 .....	.....
" John George Lawrence, ..	Ditto, ..	24th Regt. N. I., ..	26th Ditto,	Intestate,	316 8	9	316 8	9	316 8	9 .....	.....
24th Patrick Smyth, ..	Sub-Cond'r., ..	Bdg. Comm't Dept., ..	24th Ditto,	Testate,	2,185 1	3	2,185 1	3	2,185 1	3	Left a Widow, who has proceeded to England.	
25th Montagu James, ..	Lieutenant, ..	Artillery, ..	8th Ditto,	,	26 13	8	260 13	8	260 13	8 .....	.....
NON-COMMISSIONED OFFICERS AND SOLDIERS.												
1st James Shail, ..	Comt. Dept. at Padang, ..	Serjeant Vier- alling Serjt.	5th April 1853	{ Left no. Will, ..	503 14	9	503 14	9	503 14	9	Missing since 5th April 1853 and believed to be dead,	
6th Richard Smith, ..	Private, ..	1st En. Bl. Fus., ..	2269 23rd Feb.	1854, Intestate,	14 14	7	14 14	7	14 14	7	Left a Widow, Livinia Shall, and a Son, James Alfred Shall.	

On whose Account.	Bank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount due to Estates, etc., from the deceased.	Amount due to Donations, Batta, etc.	Total unclaimed amount Deposited.	Amount paid in India.	Amount retained in India.	How disposed of.	
											In Co.'s Rupees.	In Co.'s Equivalent in Sterling.
NON-COMMISSIONED OFFICERS AND SOLDIERS.—(Continued.)												
6th George Adamson, ..	Asst. Farrier and Saddler L.t. Field Bat- tary, ..	No. 3, Punjab Regt., ..	18th April 1854, Testate,	267 4 1	267 4 1 .....	.....	.....	.....	.....	.....	.....
10th Lawrence Bryan, ..	Private, ..	2nd En. Bl. Fus., ..	802 2nd Ditto,	46 7 4	46 7 4 .....	.....	.....	.....	.....	.....	.....
12 Thomas McDowell, ..	Ditto, ..	3rd En. Bl. Regt., ..	103 6th Ditto,	Ditto, ..	33 3 1	33 3 1 .....	.....	.....	.....	.....	.....
13 William Weale, ..	Ditto, ..	2nd En. Bl. Fus., ..	1355 9th Ditto,	Ditto, ..	97 9 6	97 9 6 .....	.....	.....	.....	.....	.....
14 Edward Callaghan, ..	Ditto, ..	" " " "	400 14th May	1854, Ditto, ..	22 1 9	22 1 9 .....	.....	.....	.....	.....	.....
13th William Connors, ..	Gunner, ..	2d Co. 5th Bn. A.,	6846 17th July	1853, Ditto, ..	49 11 0	49 11 0 .....	.....	.....	.....	.....	.....
15th John Gallanger, ..	Ditto, ..	4th " " "	5473 17th Nov.	1852, Ditto, ..	64 3 3	64 3 3 .....	.....	.....	.....	.....	.....
16 James Connor, ..	Sergeant, ..	" " " "	5429 18th May	1853, Ditto, ..	46 5 8	46 5 8 .....	.....	.....	.....	.....	.....
18 George Wheedow, ..	Bombardier, ..	" " " "	3113 6th July	1853, Ditto, ..	22 6 1	22 6 1 .....	.....	.....	.....	.....	.....
18 Edward McCormack, ..	Private, ..	1st En. Bl. Fus., ..	2006 11th Oct.	1853, Ditto, ..	240 12 8	240 12 8 .....	.....	.....	.....	.....	.....
19 Patrick Nolan, ..	Ditto, ..	" " " "	530 18th Ditto,	Ditto, ..	203 8 4	203 8 4 .....	.....	.....	.....	.....	.....
19 Andrew Smillie, ..	Ditto, ..	" " " "	2331 1st March	1854, Ditto, ..	38 6 11	38 6 11 .....	.....	.....	.....	.....	.....
17th John Benning, ..	En. Art. Invalids, ..	" " " "	383 31st May	1854, Ditto, ..	18 0 1	18 0 1 .....	.....	.....	.....	.....	.....
19th William Thompson, ..	CattleSergt., ..	Cont. Dept. for mainly 3rd troop 2nd Bde. H. A., ..	635 21st Jan.	1854, Ditto, ..	457 4 9	457 4 9 .....	.....	.....	.....	.....	.....

Leaving a Widow and three children. This amount is retained in this country for the benefit of deceased's children, Richard Edward Thompson, Margaret Thompson and William Saugur Carey Thompson.

On whose account.	Bank.	Corps.	Date of Death.	Testate or Intestate.	Amount due to Estates, etc., from the amount of monthly remittance.	Amount due to Donators, etc., from the amount of monthly remittance.	How disposed of.			Remarks.	
							Total unclaimed amount Deposited.	Amount paid in India.	Amount retained in India.		
NON-COMMISSIONED OFFICERS AND SOLDIERS.—(Continued.)											
24th Michael Longhan, ... Gunner, ..	1st Co. 6th Bn. A., 6876 5th Oct.	1853, Intestate,	13 4 4	13 4 4	13 4 4	13 4 4 .....	.....	.....	.....	Leaving a Mother, Margaret Longhan, County Galway, Mayouth Ireland.
25th William Nelsey, ... Ditto, ..	1st Tp. 2d Bde. H.A. 7336 23rd Oct.	1853, Ditto, ..	43 12 2	43 12 2	43 12 2	43 12 2 .....	.....	.....	.....	Leaving a Sister Susannah Par, Norwich, Norfolk, England.
25th William Baker, ... Ditto, ..	2d Co. 2d Bn. Arty, 5660 29th Nov.	1853, Ditto, ..	15 9 8	15 9 8	15 9 8	15 9 8 .....	.....	.....	.....	Leaving a Mother Elizabeth Gigner, King's Road, Chelsea.
25th William Anderson, ... Ditto, ..	3d, 4th, " 5988 4th Dec.	1853, Ditto, ..	28 7 8	28 7 8	28 7 8	28 7 8 .....	.....	.....	.....	Leaving a Father, John Santry, latest known Residence at Cork.
25th Richard Gigner, ... Ditto, ..	3d, " 3031 15th Jan.	1854, Ditto, ..	10 5 2	10 5 2	10 5 2	10 5 2 .....	.....	.....	.....	Leaving a Mother Elizabeth Gigner, King's Road, Chelsea.
25th John Santry, ... Ditto, ..	4th, 1st, " 6803 20th Jan.	1854, Ditto, ..	27 4 2	27 4 2	27 4 2	27 4 2 .....	.....	.....	.....	Leaving a Father, John Santry, latest known Residence at Cork.
25th Thomas Killockley, ... Private, ..	2nd En. Bl. Fus., ..	1854, Ditto, ..	20 13 6	20 13 6	20 13 6	20 13 6 .....	.....	.....	.....	Leaving a Will in favor of his Mother, Mrs. Mary Lewis, ambridge Street, Plymouth, England.
25th William Lewis, ... Ditto, ..	" " " 6th March	1854, Testate, ..	34 2 1	34 2 1	34 2 1	34 2 1 .....	.....	.....	.....	Ditto, ditto in favor of James Coates, Daughter of Mrs. Harriet Coates, 3rd Company, 5th Battalion Artillery. The Legatee is aged about 7 years and is living with her parents in Durn-Dunn.
27th George Hall, ... Gunner, ..	3rd Co. 5th Bn. A., 6152 3rd Aug.	1853, Ditto, ..	151 4 7	151 4 7	151 4 7	151 4 7 .....	.....	.....	.....	Ditto, ditto in favor of his Mother, Betsy Ann Cearns, at St. Nicholas, Deptford, Kent, England.
27th John Gearn, ... Ditto, ..	4th, " 6994 26th April	1854, Ditto, ..	35 5 8	35 5 8	35 5 8	35 5 8 .....	.....	.....	.....	Leaving a Will in favor of John Silbee, Son of Gunner John Silbee, No. 998 of the 2nd Company 5th Battalion Artillery. The Legatee is a ward of the Lower Orphan School.
28th Alexander Steven, ... Ditto, ..	2nd, " 6801 4th Aug.	1853, Ditto, ..	68 5 7	68 5 7	68 5 7	68 5 7 .....	.....	.....	.....	The amount to be held for the benefit of the Legatee in account with the Funds of the Orphan Institution.
Fyson Seaborn, ... School Serjt.,	Arty. Meerut Div., 3660 1st March 1854, Ditto, ..	Co.'s Rs.	141 4 8	141 4 8	141 4 8	141 4 8 .....	.....	.....	.....	Leaving a Widow in this country, also three brothers, James, Thomas, and Joseph, and a Sister, Caroline, at Fredham, Cambridgeshire.
17th July 1854—John Turner, Corporal, James Smith, Sergeant, ..	7th Co. 3d B.E.Rgt. 1st July 1854, Intestate, One Punjab Medal with Bar.	19636 11 11	19636 11 11	19636 11 11	19636 11 11	19636 11 11	19636 11 11	19636 11 11	19636 11 11	19636 11 11	
	Gr. Co. 27th April 1854, ditto, One ditto.										

J. L. HARVEY, Sub-Treasurer.

FORT WILLIAM, GENERAL TREASURY, {
The 31st July 1864.

Fort William, 11th August 1854.

No. 825 of 1854.—It is hereby notified for general information, that the under-mentioned Family Remittances of Commissioned and Non-commissioned Officers and Soldiers of the Royal Army and of the East India Company's Service, and effects and credits of deceased Commissioned and Non-commissioned Officers and Soldiers of the Royal Army, have been included in the General Quarterly Rolls commencing 1st May and ending 31st July 1854 of the Office of Account Military Department, which were forwarded to the Hon'ble the Court of Directors by the Peninsular and Oriental Company's Steam Vessel *Precursor*, which left Calcutta on the 5th August 1854:—

The Royal Army.

Sums paid into the Treasury of the Pay Master to the Queen's Troops, on account of Family Remittances and Effects and Credits, during the months of May, June and July 1854.

East India Company's Forces.

Sums paid into the Pay Office Treasuries at the Presidency, Benares, Cawnpore, Meerut, Rangoon, Umballa, Lahore, Gwalior, Jullundur, and Rawul Pindee, during the above months.

No. 826 of 1854.—Punkooree, Family Pensioner, No. 417 Benares Circle, who fraudulently obtained a Pension as the Widow, whereas she is the Sister-in-law, of the late Sepoy Hunsruj Sing, of the 54th Regiment Native Infantry, is to be struck off the Pension Rolls from the date of last payment.

Fort William, 12th August 1854.

No. 827 of 1854.—The following Notification from the Foreign Department is published in General Orders:—

No. 3,432, dated 11th August 1854.—Lieutenant G. A. Black, Adjutant of the Joudpore Legion, to officiate as Assistant to the Agent to the Governor General for the States of Rajpootana, from the 30th July last, until further orders.

No. 828 of 1854.—Assistant Surgeon Joseph Ewart, M. D., has been appointed in the Judicial Department North-Western Provinces, on the 3rd August 1854, to be Civil Assistant Surgeon of Ajmere.

Fort William, 14th August 1854.

No. 829 of 1854.—The name of Family Pensioner "Rugber Sing," No. 1093, Dinapore Circle, who fraudulently obtained admission to Family Pension as the son of the late Sepoy "Deepnauth Sing," 64th Regiment Native Infantry, being in reality the Nephew of the deceased, is to be struck off the Family Pension List from the date of the last payment made to him.

Pensioned Havildar "Doorbejah Sing," (late of the Calcutta Native Militia,) No. 1803, Dinapore Circle, one of the sureties, and whose connivance in the fraud above referred to has been established, is, in like manner, to be struck off the Pension List from the date of the last payment made to him.

No. 830 of 1854.—The under-mentioned individual is admitted to pension as specified opposite to his name, under the provisions of Minutes of

Council of the 11th January 1797 and General Orders dated 5th February 1820, subject to the approval of the Hon'ble the Court of Directors.

Quarter Master Serjeant } Thirty (3) Rupees
Charles Worrell, of the 1^t t per mensem, payable at Meerut.
Regiment Light Cavalry,

Fort William, 15th August 1854.

No. 831 of 1854.—The services of Gunner John Cavanagh, of the Artillery at Dum Dum, are placed at the disposal of the Home Department, (Electric Telegraph.)

No. 832 of 1854.—Mr. Frederick Farmer Dukes, whose appointment was announced in Government General Order, No. 803 of the 7th August 1854, having satisfied Government on the points of qualification prescribed by existing Regulations, is admitted to the Service as an Assistant Surgeon on this Establishment from the 14th August 1854.

R. J. H. BIRCH, Colonel,
Secy. to the Govt. of India,
in the Mil'y. Dept.

Ecclesiastical.

DIOCESE OF CALCUTTA.

ORDINATION.

NOTICE is hereby given, that the Right Reverend Daniel, Lord Bishop of Calcutta, and Metropolitan, purposes to hold an Ordination of Priests and Deacons, in Saint Paul's Cathedral, on Friday Morning the Twenty-ninth day of September next, being Saint Michael and All-Angels' Day.

The Service will commence at ten o'clock, and the Sermon will be preached by the Reverend Joseph Richards, Rector of Saint Paul's School.

Candidates for Holy Orders are requested to send in their names and address forthwith to the Reverend Mr. Blomefield the Bishop's Chaplain, and their papers three weeks before the Ordination.

The Bishop purposes to hold also an Ordination at Allahabad during the cold weather, of which due notice will be given.

By desire of the Bishop.

W. H. ABBOTT,
Registrar and Secretary.

Notification.

BILLS at par on the Public Treasuries of the under-mentioned Districts may be had on application to the Officiating Accountant to the Government of Bengal:—

DISTRICTS.	Amounts available on this date.
Backergunge,	40,000
Balasore,	60,000
Bullooah,	40,000
Bograh,	24,000
Chittagong,	70,000
Cuttack, C. D.	96,000
Dacca,	99,000
Dinagepore,	71,000
Jessore,	13,000
Jorehaut,	50,000

Kamroop,	10,000
Midnapore,	50,000
Mymensing,	40,000
Pooree,	50,000
Pubna,	49,000
Rajshahye,	40,000
Sylhet,	1,00,000
Tipperah,	1,00,000

EDMUND DRUMMOND,
Offg. Accountant to the
Govt. of Bengal.

Accountant's Office, }
The 15th August 1854. }

Notice.

TENDERS will be received at this Office, from this date up to 18th August 1854, from individuals who may be desirous of purchasing the whole or any one of the under-mentioned parcels of Surplus Lands in Cornwallis and Amherst Streets, within the Town of Calcutta, and formerly belonging to the late Lottery Committee, but now the property of Government.

The Lots will be put up for Public Sale at an upset price of fifteen years purchase of the Ground rent at 3 annas per cottah, in addition to Rs. 200 per cottah for all lands in Cornwallis Street, and Rs. 150 per cottah for those in Amherst Street.

Locality.	Former No. of Holding.	No. of Block and Holding.		Area of Hold- ing.	Jumma Assessed.
		Block.	Holding.		
Amherst Street, ..	4	8	132	0 0 10 33	0 2 0
Ditto,	7	8	364	0 0 3 33	0 0 9 1
Ditto,	13	2	639	0 0 5 38	0 1 1
Ditto,	18	13	192	0 0 14 9	0 2 8
Cornwallis ditto, ..	3	25	Sootanatty	0 1 0 0	0 3 0
Ditto,	6	25	Ditto	0 1 0 0	0 3 0
Ditto,	9	19	Ditto	0 0 7 10	0 1 4 1
Ditto,	10	19	Ditto	0 0 5 11	0 1 0
Ditto,	12	31	Ditto	0 0 7 11	0 1 4 1
Ditto,	13	31	Ditto	0 0 13 11	0 2 6
Ditto,	18	24	*159	0 0 14 9	0 2 8
Ditto,	29	14	557	0 0 9 0	0 1 8 1
Ditto,	33	14	556	0 0 3 33	0 0 8 1
Ditto,	34	14	554	0 0 2 30	0 0 6

F. A. LUSHINGTON,
Collector.

CALCUTTA,
Collector's Office, }
The 15th July 1854. }

Notification.

It is hereby notified that para. 5 of the Abkaree Notification dated 30th August 1849, issued by former Collector of Calcutta Mr. J. H. Young, and published in the *Calcutta Gazette* of 1st September 1849, is recalled, and the following substituted in the place thereof:—

5th. No parties may sell English or foreign Beer, Wines or Spirit in any quantity less than 2 gallons or 12 common quart bottles, without a retail licence, but this prohibition does not extend to the sale of small quantities as samples of the said

Beer, Wine or Spirits, provided that the sample does not exceed one bottle of each description.

F. S. LUSHINGTON,
Collector.

CALCUTTA,
Excise Office, }
The 14th August 1854. }

NOTICE is hereby given, that an Examination will be held on Monday the 28th August 1854, for the purpose of testing the acquirements of Candidates for Certificates of Qualification as Regimental Moonshees and as Teachers of the unpassed Civil Servants, according to General Orders by the President of the Council of India dated 9th October 1850, and the Government Notification dated the 24th January 1854, respectively.

Candidates are requested to send in their applications, stating the language or languages to be passed in, on or before the 25th instant.

W. N. LEES.

Secy. to the Board of Examiners.

Fort William, }
9th August 1854. }

حسب حکم جنرل ارکر مورخہ نہم اکتوبر سنہ ۱۸۵۴
و سحب حکم گورنمنٹ مورخہ بست و چہار جنوری
سنہ ۱۸۵۴ ع اشتہار دادہ می شود کہ تاریخ امتحان
منشیان امتحان دھندگان بروای عہدہ منشیگری پلن و
برای تدریس صاحبان اهل قلم در فورت ولیم کالج
روز بست هشتم ۲۸ اگسٹ سنہ حال مقرر گردیدہ است
هر کوا امتحان دادن منظور باشد باید کہ تا بست و
پنجم این ماہ قطعہ درخواست بقید زبان یعنی کہ در
کدام کدام زبان امتحان خواهد داد نوشته نزد سکریٹری
بورڈ آف ایکزامنرس نگذراند تحریر فی التاریخ نہم
ماہ اگسٹ سنہ ۱۸۵۴ ع *

W. N. LEES,
Secy. Board of Examiners.

Notice.

THE General Treasury will be closed on Wednesday the 16th and Thursday the 17th instant, on account of the Hindoo Holidays Junmo Ostomee.

J. I. HARVEY,
Sub-Treasurer.

General Treasury, }
The 7th August 1854. }

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect, in his Office in Calcutta, up to 4 P. M. on Monday 28th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for constructing a new Stable and Coach House in the Premises of the Residence of the Magistrate of 24-Pergunnahs at Allipore.

Time for Execution (4) Four months.

Specification and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect in his Office in Calcutta, up to 4 P. M. on Wednesday 23rd August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

"Tenders for making up and fixing Glass Sash Doors and Windows, and for building a Wall in the Magistrate's, 24-Pergunnahs, Cutcherry at Allipore."

Time for Execution (2) Two months.

Specification and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect in his Office, in Fort William, up to 4 P. M. on Monday 28th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for "White-washing, Sand-rubbing, Painting and Repairing the Dwelling House of the Magistrate of 24-Pergunnahs at Allipore," to commence on Monday 18th September 1854.

Time for Execution (3) Three months.

Specification and further information to be obtained from the Civil Architect's Office in Fort William.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Report showing the smallest Depth of Water in the Bhugiruttee, Jellinghee and Matabangah Rivers, also their rise and fall from 1st to 7th August 1854.

Names of Rivers.	Smallest Depth of Water		Rise.	Total Rise.	Fall.	Total Fall.
	Feet.	Inches.				
<i>Bhugiruttee River.</i>						
At its entrance, ...	19	6	1 6 $\frac{1}{2}$	17	8 $\frac{1}{2}$	0 2
Below the entrance, ...	18	0	0 0	0	0	0 0
From thence to Jungypore, ...	9	0	0 0	0	0	0 0
From Jungypore to Sadduckbaugh, ...	12	3	0 0	0	0	0 0
From Sadduckbaugh to Berhampore, ...	18	0	2 1	19 1	By Gauge	
From Berhampore to Cutwa, ...	16	0	0 0	0	0	0 0
And from Cutwa to Nuddea, ...	15	6	0 0	0	0	0 0
<i>Jellinghee River.</i>						
At its entrance, ...	14	9	1 6 $\frac{1}{2}$	21	13	0 3 $\frac{1}{2}$
From thence to Bausemarree, ...	14	6	0 0	0	0	0 0
From Bausemarree to Teeahkattah, ...	20	0	0 0	0	0	0 0
From Teeahkattah to Sonatullah, ...	15	3	0 0	0	0	0 0
And from Sonatullah to Moisgunge, ...	17	0	0 0	0	0	0 0
<i>Matabangah River.</i>						
At its entrance, ...	24	0	1 4 $\frac{1}{2}$	21	7 $\frac{1}{2}$	0 4 $\frac{1}{2}$
From thence to Haut Boleah, ...	23	0	0 0	0	0	0 0
From Haut Boleah to Katchikattah, ...	16	3	0 0	0	0	0 0
From Katchikattah to Kishengunge, ...	16	6	0 0	0	0	0 0
And from Kishengunge to Seebpore, ...	13	0	0 0	0	0	0 0

Height of water on Gauge at Berhampore, on the 7th August 1854, + 19 feet 1 inch.

J. LANG,
Supdt., Nuddea River.
Calcutta,
14th August 1854.

NOTICE.—Mean Time was this-day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One and Quarter Seconds (1 $\frac{1}{4}$) before Mean Noon.

Fort William,
11th August 1854.

NOTICE.—Mean Time was this-day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One Second (1s.) before Mean Noon.
Fort William, 12th August 1854.

NOTICE.—Mean Time was this-day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One Second (1s.) after Mean Noon.

ORFEUR CAVANAGH, Major,
Town Major.
Fort William, 14th August 1854.

Commercial Bank of India.

CALCUTTA BRANCH.

Rates of Exchange on the London Joint Stock Bank—	
At 6 ms. ... not under £50,..	1-11 per Rupee.
" 4 "	1-10 $\frac{1}{4}$ "
" 3 "	1-10 $\frac{1}{2}$ "
" 2 "	1-10 $\frac{1}{3}$ "
" 1 "	1-10 $\frac{1}{4}$ "
At sight.....	1-10 $\frac{1}{2}$ "

Delivery of the Bank's Drafts must be taken at the Office, except when applied for by Post, and particulars for drawing, it is requested, may be sent in at least a day before the closing of the Mails.

J. E. MACLACHLAN, Agent.

General Post Office Notifications.

No. 2190.

Export Overland Mail via Southampton and Marseilles, per P. and O. Co.'s Steamer Bentinck, direct from Calcutta.

NOTICE is hereby given for general information, that the Mails for Suez and the intermediate Ports (Madras, Ceylon, Aden, Penang, Singapore and Hong-kong,) intended for transmission by the Peninsular and Oriental Company's Steam Vessel *Bentinck*, will be closed at this Office on Friday the 18th instant.

C. K. DOVE,
Dy. Post-master General.

Fort William, General Post Office,
The 7th August 1854.

NOTICE is hereby given, that the Mails for Rangoon and Moulmein, for transmission per H. C. Steamer *Sesostris*, will be closed at this Office on Friday the 18th instant.

C. K. DOVE,

Dy. Post-master General.

Fort William, General Post Office,
The 14th August 1854.

THE Business connected with the Calcutta Post Office having been made over exclusively to the charge of the Deputy Post Master General, the public are requested from this date to address that Officer direct, on all matters connected with that Office.

J. R. BURLTON BENNETT,
Post-master General of Bengal.

Calcutta, General Post Office,
The 1st July 1854.

No. 2259.

The Deputy Post Master General regrets to inform the public, that from a communication received from the Post Master of Tezapore it appears, that the Calcutta Mails of the 22nd ultimo,

for Tezapore, Assam, Seesbaugor and Debrooghur, and also the Mails for those places sent from Gowhatta and Mungledye on the 31st idem, were totally lost, with the Dak Boat, on the night of the latter date, at "Pobamaree Chapree," a little above Mungledye. The accident is attributable to the falling in of the bank, which fell on the boat, and caused the same to sink immediately.

C. K. DOVE,

Deputy Post Master General.

Calcutta, General Post Office,
The 15th August 1854.

Rangoon Post Office Notice.

LETTERS and Newspapers, which should be addressed to RANGOON only, are frequently directed by mistake to Pegu or Burmah, and letters, &c. intended for delivery in Pegu, Prome, Bassien and other places in the Provinces, are in like manner erroneously addressed to "Rangoon, Burmah." The Rangoon Post Master begs to notify that, with such vague directions, this Department is left to find out to which of the Stations such letters should be forwarded, and from want of information, great disappointment is felt when they are despatched to the wrong Station. To obviate this, it is desirable, that parties posting letters in Calcutta or elsewhere, should be careful to direct them to their respective Stations, and to inform their Agents and Correspondents, when leaving one place for another, of their change of address, to ensure letters being directed to the proper Station. A list of places in the Pegu Provinces or in Burmah, and their distance from Rangoon, is annexed below, viz.:

Donabew,	.....	40 miles
Pegu,	.....	55 "
Sittang,	.....	67 "
Shoaygyeen,	.....	90 "
Bassein,	.....	95 "
Henzada,	.....	95 "
Tonghoo,	.....	130 "
Monean,	.....	120 "
Thayetmyo,	.....	200 "
Meeaday,	.....	205 "
Namean,	.....	195 "
Prome,	.....	200 "
Yeagheen,	.....	160 "
Tapoon,	.....
Tindan,	.....
Tayngheen,	.....
Yandoon,	.....

Below Prome.

Letters addressed to public functionaries, whose head-quarters or residence is in Rangoon, should be addressed "Rangoon," instead of Pegu or Burmah; but if intended for delivery at other Stations, should be addressed to those Stations, the word Rangoon to be omitted.

(Signed) **C. M. CRISP,**

RANGOON POST OFFICE,
The 19th June 1854.

No. 1215.

THE above Notification from the Post Master of Rangoon is published for general information.

J. R. B. BENNETT,

Post-master General.

Calcutta, General Post Office,
The 5th July 1854.

Packets for the reception of Letters by the following Ships are open at this Office.

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Bentinck,	P. & O. S. N. Company,	19th August 1854, Suez.		Madras, Ceylon & Aden.	
Do. Sesostris,	Hon'ble Company,	19th Ditto,	.. Rangoon & Moulmein.		
Lanrik,	Messrs. Jardine Skinner,	20th Ditto,	.. China.		
<i>Aeneas</i> , Mountstuart Elphinstone,	May, Pickford & Co., Kettlewell, Drabble & Co.	22nd Ditto, In a day or two,	.. Penang and Singapore London.		
Hyderee, Kent,	Hajee Jaffer Moosa, Griffiths, Hay & Co.,	Ditto, Ditto,	.. Mauritius. .. Ditto.	Cape.	

Calcutta, General Post Office, 15th August 1854.

*C. K. DOVE,
Deputy Post-master General.*

NOTICE is hereby given, that at a General and Quarter Sessions of the Peace holden at the Office of Her Majesty's Justices of the Peace in the Town of Calcutta, on Thursday the Tenth day of August Instant, It was ordered that the assessment of the Quarter August, September and October 1854 be taken to be the assessment of the Quarter November and December 1854 and January 1855 next ensuing. All persons having objections to make to the said assessment, or to any proposed assessment, of which due notice shall be given to them by the assessor, are required to specify the same, and the grounds thereof, in a Petition addressed to the undersigned, and file it with him, between the hours of Eleven and Four o'clock on or before Thursday the Thirty-first day of August instant, after which no objections will be received, and the Sessions stand adjourned to the Thirty-first day of August, to be holden at the hour of noon, at the Office of the said Justices, and will be continued by adjournment from time to time until such objections shall have been heard and determined upon. And it was further ordered, that the assessments made and allowed in these Sessions shall take effect from the First day of November One thousand Eight hundred and Fifty-four.

Her Majesty's Justices of the Peace have also ordered, that the Rate Books containing the proposed assessment shall be open to the inspection of all persons assessed therein during the interval above-mentioned, namely, from this date to the 31st August Instant, and between the hours of 11 A. M. and 4 P. M. of such days, except Sundays.

W. L. HARWOOD,
Clerk to the Justices.

CALCUTTA,
Police Office,
10th August 1854.

East India Railway.

ON and after Tuesday the 15th instant, Trains will leave Howrah and Hooghly, stopping at Bally, Serampore and Chandernagore, at the following hours:—

From Howrah, 10-30 A. M. and 5-30 P. M.

" Hooghly, 8-23 A. M. and 3-38 P. M.

On and after the 1st September the Trains will run between Howrah and Pundooah, stopping at all the Stations.

The Carriages to be used as first-class Carriages for a short time will be superseded by a superior description of Carriages now in course of construction.

Parties wishing to avail themselves of Monthly or Season Tickets, at reduced rates, are requested to apply at any of the Stations for Forms, to be filled up in writing and forwarded to the Managing Director and Agent.

The official inauguration of the Railway has been deferred, with a view to the public convenience, to Monday the 1st January 1855, when the Line will be opened to Raneegunge, 122 miles, and due notice will be previously given of the arrangements which have been made for the purpose.

R. MACDONALD STEPHENSON,
Managing Director and Agent.
29, Theatre Road,
Calcutta, 7th August 1854.

Notice.

MR. WILLIAM MAITLAND was admitted a partner in our firm on the 1st instant.

The interest and responsibility of MR. JOHN CARRINGTON PALMER in our firm ceased on the 30th ultimo.

MACKILLOP, STEWART AND CO.
Calcutta, 14th July 1854.

NOTICE.—MR. WILLIAM DENT, Junior, and MR. THOMAS C. LESLIE are this-day admitted Partners in our Firm.

DENT AND CO.

Hong-Kong,
1st July 1854.

STOLEN—First Halves of Bank of Bengal Notes, Nos. 29221 and 29271, from the Electric Telegraph Office at Munglepore.

LOST.—The Second Halves of the following Notes, the payment of which has been stopped at the Bank of Bengal:—

No. 46,840 for Company's Rupees 50 and No. 44,858 for Company's Rupees 25.



The Calcutta Gazette.

Published by Authority.

Notification.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co. for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON, Secy. to the Govt. of Bengal.

SATURDAY, AUGUST 19, 1854.

Legislative Council.

12th August 1854.

THE following Act, passed by the Legislative Council, received the assent of the Most Noble the Governor General of India on the 12th of August 1854, and is hereby promulgated for general information:—

ACT NO. XVII OF 1854.

An Act for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

I. Act No. XVII of 1837, Act No. XX. of Repeal of former Acts. 1838, and Act No. XVII. of 1839 are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India

Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending,

dispatching, and delivering all letters, except in the following cases, that is to say:

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

III. Wheresoever, within the said territories, posts or post communications are, Prohibitions. or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2. Owners and Commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

IV. Every person who shall convey otherwise

Penalties for breach of privilege.

than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees ; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a further sum not exceeding five hundred rupees. Every person who shall carry, receive, or deliver a letter, or collect letters contrary to the provisions of Section III. of this Act, shall forfeit, for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

V. For carrying on the service of the Post

Appointment of Officers. Office, it shall be lawful for the Governor General of India in

Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

VI. Wheresoever posts or post communications

Postage rates on letters. are, or shall be established by the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale :

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas ; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt ; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails ; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt ; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post, when posted at the place of dispatch.

VII. Wheresoever posts or post communica-

Postage rates on newspapers, &c. tions are, or shall be establish-

ed by the East India Company, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale :

1. On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs ; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs, and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs ; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

VIII. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed, that is to say :

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

X. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :

For Distances	If NOT EXCEEDING IN WEIGHT						Rs. As. Rs. As.	Rs. As. Rs. As.	Rs. As. Rs. As.	Rs. As. Rs. As.
	20 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.				
Not exceeding,	100	0 2	0 4	0 8	0 12	1 0	1 4	1 8		
Not exceeding,	300	0 6	0 12	1 8	2 4	3 0	3 12	4 8		
Not exceeding,	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0		
Not exceeding,	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8		
Not exceeding,	1200	1 8	3 0	6 0	9 0	12 0	15 0	18 0		
Exceeding, ...	1200	1 14	3 12	7 8	11 4	15 0	18 12	22 8		

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

XII. Books, pamphlets, packets of newspapers, Books, pamphlets, and of printed or engraved papers other than newspapers, &c., provided they do not exceed one hundred and twenty tolahs in weight, and be sent without covers or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried :

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

XIII. Banghy postage, when chargeable by distance under Section XI., shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI., and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII. of this Act, as the case may be;

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such certificate be false, any such

thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided.

Parcels exceeding forty tolahs. Parcels exceeding forty tolahs, and not exceeding six

hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

XVI. Whenever the Post Master General of any Presidency shall have notified in the official Gazette, that the banghy-post is conveyed in the same carriage

with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

XVII. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship post-

Ship postage on parcels. age shall be charged when they are conveyed by means of the East India Company's post by sea according to the following scale, viz.:

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for dispatch either by ship or steam-boat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct.

On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six

hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

XIX. Letters and newspapers posted for dis-
Ship and inland post- patch, either by Her Majesty's
age on foreign covers Mails or otherwise to Ceylon,
must be pre-paid.

post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for dispatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps. Provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

XX. Subject to any alteration which may be made by virtue of the power

Postage on letters,&c., hereinafter vested in the Governor General of India

Council, letters posted for dispatch, either by air or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed or engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section VI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps: if not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

XXI. It shall be lawful for the Governor General of India in Council

Governor General in Council may direct pre- payment of postage in all cases.

not be forwarded by post, unless the postage thereon shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage is not be pre-paid by a stamp or stamps, or otherwise as the said Governor General in Council may direct, there shall be charged a higher rate of postage as from time to time to be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

XXII. If any letter, &c., with insufficient stamps, how charged.

Letters, &c., with insufficient stamps, shall be charged, having affixed thereto a postage stamp of the value of one anna less than the postage to which such letter would be liable when posted, shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage to

such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto, and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

XXIV. No person shall knowingly post, or send, or tender, or deliver in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

XXVI. No person having delivered into any Post Office any letter, parcel, or packet shall be entitled to recall the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so recalled or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official Gazette of any Presidency, be recovered in the same manner as postage chargeable under this Act.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

XXIX. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

XXX. Postage stamps provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums

of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

XXXI. The Governor General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

XXXII. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

XXXV. Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged or counterfeited die,

plate, or other instrument resembling, or intended to resemble, either wholly or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged, or counterfeit die, plate, or instrument as aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly and without lawful excuse (the proof of which excuse shall lie on the person accused) have in his possession any paper or other substance having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument as aforesaid; or having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp, such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Clause 2. Any Officer of Police may seize and transmit to the Magistrate
Forged stamps may be seized.
any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

Clause 3. Any Officer of Police having power by law to search for stolen
And searched for. property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

XXXVI. If any person shall fraudulently remove any postage stamp from any letter or other postage stamp duties. thing to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing thereon written or impressed, every person so offending shall forfeit a sum not exceeding two hundred rupees for every such offence.

XXXVII. The person to whom any letter or Postage on unpaid letters, &c., to be paid by the receiver. other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any Officer in charge of a Post Office, by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satis-

faction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

XXXIX. It shall be lawful for the Governor General of India in Council Expresses. to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

XL. When any vessel arrives by sea at any place within the territories under the Government of the East India Company at which there is a Post Office, the Commander of inward bound vessels carrying mails, how to proceed. Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

XLI. Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, who shall, within the said territories, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office shall forfeit for every such letter a sum not exceeding one hundred rupees.

XLII. For every letter delivered by the Commander of any ship in conformity with the directions of Section XL. of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of

one anna shall be chargeable as postage on such letter in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections XL., XII. and XLII. of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

XLIII. The Commander of every vessel leaving any place in the said territories by sea shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section shall be punished with a fine not exceeding one thousand rupees.

XLIV. Clause 1. A list of all letters, packets, and parcels posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained, unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

Clause 2. The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter boxes and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Clause 3. All money found in any unclaimed letter, packet, or parcel shall be paid into the Public Treasury, and all other valuable property found above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

XIV. Letters, parcels, or packets rejected unopened by the person to whom they are addressed shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender, or shall at discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain shall

be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

XLVI. On and after the passing of this Act, Franking abolished. the privilege of sending and receiving letters and packets by the post, free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of

Letters on the public service duly certified as such, how to be charged. postage as any other letters sent by the post. Provided that letters and packets on the public service, certified to be such by the signature of any public officer, authorized in that behalf by the Governor General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments, from which such letters or packets are sent, in such manner as the said Governor General of India in Council shall direct.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing, on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred rupees.

XLVIII. If any Officer in charge of a Post Office shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections VIII., XV., XVI., or XLVII. of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or

packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

L. Whoever being in the employ of the Government in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which

Penalty for secreting, opening, or making away with letters, &c., by persons employed in the Post Office.

may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any baggy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

LI. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence,

a Post Office messenger, whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

LII. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or, being required to deliver up by an Officer of

Penalty for retaining letters, &c., delivered by mistake.

the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LIII. Every person employed to convey or deliver any post-bag, or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money

for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LV. Whoever being in such employ as is described in Section LIV.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVI. Whoever being in such employ as is

Penalty for incorrectly preparing documents, or secreting documents by persons employed in the Post Office.

described in Section LIV, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare

that document incorrectly, or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVII. Whoever being in such employ as is

Penalty for sending letters without charging postage, by persons employed as above.

described in Section LIV, shall send by the post, or put into any post bag, any unstamped letter, parcel, or

packet, upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVIII. Any person, whether a European Br-

Fines how to be recovered.

British subject or not, who shall be guilty of any offence for which, according to the pro-

visions of this Act, he shall be liable to a fine only, shall be punishable, for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of any

Conviction to be quashed on merits only. Form of conviction, &c.

Justice of the Peace shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or judgment the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment.

obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are here-

Government may authorize Assistants and Deputy Magistrates to exercise certain powers.
by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any

imprisonment if no sufficient distress, &c. such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months, where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case: the commitment to be determinable in each of the cases aforesaid on payment of the amount.

LXIII. A share not exceeding one moiety of every fine imposed Moiety of fines to Informer. and recovered under this Act may be awarded to the informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be

appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

LXVI. The word "Magistrate" in this Act Interpretation. shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

LXVII. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

LXVIII. Unless the Governor General of India in Council shall otherwise order, nothing in this Act shall authorize the

charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

LXIX. It shall be lawful for the Governor General in Council, by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles to be specified in such order sent through the post from any part of the British Dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British Dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor General of India in Council may think fit.

LXX. It shall be lawful for the Governor General of India in Council to frame Rules for the management of all or any Zemindaree, Thannah, or other District dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connexion therewith.

LXXI. This Act shall commence and take effect from and after the first day of October, 1854.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August, 1854.

THE following Act, passed by the Legislative Council, received the assent of the Most Noble the Governor General of India, on the 12th of August 1854, and is hereby promulgated for general information :—

ACT No. XVIII. of 1854.

An Act relating to Railways in India.

WHEREAS it is expedient, that all Railways, which have been, or shall be opened by any Railway Company, under the superintendence and control of the East India Company, for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows :—

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company, duly authorized to examine the same, and shall deliver up such ticket upon demand, to any of the Company's servants duly authorized to collect tickets. Any person, not producing or delivering up his ticket,

as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove, that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

II. At the intermediate Stations, the fares at intermediate Stations, fares and tickets to be conditional, shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be

furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference, according to the order in which they shall have received their

Proviso. tickets. Provided, that all

Officers and troops of Her Majesty, or of the East India Company, on duty, and all other persons on the business of the East India Company, who, by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they shall have received their tickets.

III. Any person who shall defraud or attempt

to defraud any such Railway

Company, by travelling, or attempting to travel upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty rupees for each offence.

IV. Any passenger, who shall get into or upon,

Fine for entering carriage in motion. or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such

Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such

Or riding on the steps. Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers;

shall be liable to a fine, not exceeding twenty rupees for each offence.

V. Any person other than the engine-man and

Fine for riding on engine, tender or luggage van. fire-man, and assistant fire-man, if any, who, without the special licence of the Superintendent of locomotives, shall ride or

attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksmen, who, without such licence as aforesaid, shall ride, or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty rupees for each offence.

VI. If any person shall smoke, either on the

Smoking prohibited. premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by

any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

VII. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty rupees; and in addition to such liability the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

VIII. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person who without lawful excuse shall enter such carriage or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred rupees, and may be removed therefrom, and also from the premises of the Company by any of the servants of the Company, and shall forfeit his fare.

IX. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage, unless it shall have been looked and separately paid for.

X. No such Railway Company shall in any case be answerable for loss of, or injury to any gold or silver, coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamped paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, silks in a manufactured or manufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, any of them contained in any parcel or package which shall have been delivered to such Railway company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same and an increased charge for the conveyance of the same shall have been accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

XI. The liability of such Railway Company public notice or private contract not to limit liability, for loss or injury to any articles or goods to be carried by them other than specially provided for by this Act, shall not be deemed or construed to be limited or in any way affected by any public notice given, or any contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross

negligence or misconduct on the part of their agents or servants.

XII. If any person shall fail to pay on demand Remedy for non-payment of the carriage of goods. Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods, to realize the sum payable as aforesaid and all charges and expenses of such detention and sale, and out of the proceeds of the sale to retain the sum so payable together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

XIII. The owner or person having the care Written account of goods to be given on demand. of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

XIV. If any such owner or person as aforesaid, shall wilfully fail to give such account to such servant of the Company; or if he shall wilfully give a false account thereof, he shall, for every such offence, be liable to a fine not exceeding fifty rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty rupees for any quantity of goods less than a ton or for any parcel less than one hundred weight.

XV. No person shall carry upon any such Railway any dangerous Carriage of goods of a dangerous nature. goods; or be entitled to require any such Railway Company to carry upon such Railway, any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being

carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

XVII. Any person who shall trespass upon any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

XVIII. Any person who shall wilfully ride, lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty rupees for each offence.

XIX. If the Railway cross any public carriage road on a level, the Railway Company shall erect, and at all times maintain good and efficient gates, either across the Railway, or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates; if such gates be across the road they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages, passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway:

Proviso. provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Penalty. If any Railway Company shall wilfully fail to comply with the provision of this Section they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply

with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or failing therein, shall be liable to a fine not exceeding fifty rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order they shall be liable to a fine not exceeding fifty rupees for every day that they fail so to do.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and maintain, shall be liable to a fine not exceeding ten rupees for each animal; and it shall be lawful for the Company or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, in such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

XXII. Any person who shall unlawfully wilfully remove or deface number plates, or remove, extinguish any lamp on any carriage, &c. belonging to any such Railway Company, or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, wagon, building, machine, fence, or any other matter thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty rupees.

XXIII. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or by other person, shall open such gate; or pass attempt to pass, or drive, or attempt to drive a carriage, cattle, or other animal or thing across the said Railway at a time when any engine train approaching along the same shall be in sight; or shall at any time omit to shut and fast such gate, as soon as he and any carriage, cart, or other animal or thing under his charge, shall have passed through the same, he shall be liable a fine not exceeding fifty rupees.

XXIV. If any person shall commit any offence hereby made punishable, Offender may be apprehended. fine, and the name and dress of such person shall be unknown, or there be reason to believe that offender will abscond, any officer or servant of

Company, or any police officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXVI. If any officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing; or shall wilfully or negligently omit to do what he is legally bound to do, and if, in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine, or to both.

XXVII. Any officer or servant of such Railway Company who shall be in a state of intoxication, whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this Section above-mentioned be such, that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

XXVIII. If any person shall rashly or negligently and without lawful excuse do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

XXIX. In the construction of this Act, every officer and servant of such Railway Company, shall be deemed to be legally bound to do every thing necessary for, or conducive to the safety of the public which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor General of India in Council, and of which Regulation such officer and servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be

likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XXXI. No conviction, order, or judgment of any Justice of the Peace, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

XXXII. A Magistrate may refer for trial and decision any charge of an offence case to his Assistant or Deputy, by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

XXXIII. The local Government may give general authority to any such Local Government may authorize Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such assistant or Deputy Magistrate.

XXXIV. All fines imposed under the authority of this Act for offences Fines how to be recovered. punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the

offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise ; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXXV. The heads of district police and ameens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I. of this Act, may be enforced in the same manner as any fine imposed by this Act.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV., XXVI., XXVII. and XXVIII., of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade, as shall, by any law in force for the time being, be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

XXXVIII. In the construction of this Act, **Construction.** unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural, words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XXXIX. Acts No. III. of 1853 and No. XII. of 1853, are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

XL. Every Railway within the said territories used for the public conveyance of passengers or goods shall, to be within the Act. until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong, shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

XLII. The local Government may order and Local Government direct any such Railway Company to make up and deliver of accidents. to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such Company shall forfeit the sum of fifty rupees for every day during which the said Company shall neglect to deliver the same.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of Charges which shall from time to time be published by any Railway Company, with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the Vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August 1854.

THE following Bill was read a second time in the Legislative Council on the 12th of August 1854.
A Bill for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George.

WHEREAS it is desirable to simplify and shorten Preamble. the procedure in regular appeals to the Court of Sudder Udalut in the said Presidency, it is enacted as follows:—

I. Clause 1st.

Petition of regular appeal, when and to what Court to be presented, and what to contain.

cision was passed of the decision. Such petitions of appeal shall, except in cases of petitions under Section XII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.

Time for presenting petition of appeal may be extended. To what Court and how application to be made.

time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

II. On presentation of a petition of regular appeal to the Court in which the decision was passed,

Notice to be given to respondent—and proclamation to issue. same effect, shall immediately issue from that Court, and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner abovementioned, the proclamation shall be fixed up in such other place, if any, as the said last mentioned Court shall direct. The Nazir shall make a return to the Court stating when and where, the notice and proclamation have been served or fixed up. The return of the Nazir shall be filed in Court, and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

III. Clause 1st. The rule in Section XL,

Of what original papers copies are to be deposited. Regulation V. of 1802, which directs copies of all original papers transmitted to the Sudder Court with the record of an appealed case to be made out and deposited in the Court, in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate, and deposit only the exhibits in the case, and also any other papers of importance, including the headings, or any parts of them, which either of the parties shall require to be copied, authenticated, and deposited in the lower Court, previously to their being transmitted to the Sudder Court.

Clause 2nd. If either of the parties require any papers to be copied, authenticated and deposited, such party shall, either by himself, or his pleader, or authorized agent, give notice in writing thereof to the lower Court, before the expiration of fourteen days from the date of the publication of the return of the

In modification of Clause fifth, Section X, Regulation V. of 1802, every petition of regular appeal in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed within six weeks from the day

Nazir, as aforesaid : such notice shall specify the papers which the party requires to be copied, authenticated, and deposited.

Clause 3rd. Either party may by himself, or

Party may require papers to be copied in anticipation of appeal. his pleader or authorized agent, before the presentation of an appeal, give notice in writing to the lower Court specifying any papers or documents which he requires to be copied, authenticated, and deposited, in the event of an appeal being prepared.

IV. The petition of appeal together with the record of the lower Court, shall

Petition and record when to be certified to the Sudder Court. be certified to the Sudder Court as soon as conveniently may be, after the presentation of the petition of appeal, provided that the same shall not be certified within the time allowed to the parties

Proviso. for specifying the papers which they desire to be copied, authenticated, and deposited.

V. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the

Notice to appellant to file objections. said Court, requiring the appellant to file, within six weeks from the date thereof, his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VI. Clause 1st. On the filing of the grounds of objection by the appellant,

Notice to respondent to file objection. notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

Clause 2nd. Within the said space of four weeks, the respondent shall

When respondent to file objections. file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd. If the respondent shall desire to object to any part of the decision of the lower Court not involved in the appeal, he may

In what case respondent may file a separate petition of appeal. present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th. The respondent shall, in such case,

Ground of objection to be filed therewith. file with his petition of appeal, his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VII. Clause 1st. At the expiration of the time allowed to the respondent

Record when to be deemed complete. for filing his grounds of objection, and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision, on any day which the Sudder Court may notify, unless the respondent, within such time, file a separate petition of appeal in the Sudder Court.

Clause 2nd. If the respondent file a separate

Notice of separate petition of appeal to be given. petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court, to the effect that

the respondent has filed such separate appeal; and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd. Within such space of four weeks, the appellant may file any grounds of objection which he has to such appeal, or which

relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the re-

cord when to be deemed complete.

be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th. If the appeal of either party, be dismissed, or withdrawn, the ap-

peals, and the proceedings thereon, shall form one record, unless the Sudder Court shall otherwise order.

VIII. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

IX. Clause 1st. All grounds of objection which shall be filed by either the appellant or the respondent, shall be stated distinctly and concisely, without any argument or narrative of facts; and shall be numbered consecutively, and, except in the cases hereinafter mentioned, shall be on paper bearing the stamp duty prescribed by Section XIX

Regulation XIII. of 1816.

Clause 2nd. The Sudder Court may extend the time for filing grounds of objection, either by an appellant or respondent, upon special application for that purpose, and upon sufficient reasons being shown, to the satisfaction of the said Court, for such extension of time. In such case, the objections may be filed within such extended time.

X. Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing, amend his grounds of objection, or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order. The said Court

may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds, or to urge, and be heard by himself or his pleader, in support of any objection not included in his grounds of objection, upon such terms and conditions, as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise, or otherwise. Without such leave of the Court, neither party shall be allowed to urge or to be heard in support of any objection not included in his grounds of objection filed. But the Court

shall not be confined to such grounds of objection on deciding the cause.

XI. Clause 1st. The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent, or the appellant,

the appeal of the opposite party; and the Sudder Court may hear and decide upon such grounds of objection, before calling the case up for decision, upon the grounds of objection to the decision of the lower Court.

Clause 2nd. If the grounds of objection filed by the appellant, and respondent, shall be upon point of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision at any fixed time.

on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd. If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court, that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance in the manner pointed out in the last preceding Section, and if the decision of the case upon the law, shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XII. If any party to a regular suit be desirous of being admitted to appeal in *forma pauperis* to the Sudder Court, the following procedure shall be adopted:

Clause 1st. The appellant shall present his petition to the lower Court according to the rules prescribed by Section I. of this Act, providing that a petition to appeal in *forma pauperis* against any decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd. Petitions of appeal by parties desirous to appeal in *forma pauperis*, shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of Rs. 1/- per sheet.

Clause 3rd. Upon the presentation of such petition, the notice to the respondent, and the proclamation, shall state that the appellant desires to appeal in *forma pauperis*.

Clause 4th. On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except, that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not, the appellant shall be allowed to appeal *in forma pauperis*.

Clause 5th.

Notice to respondent to file objections to pauper appeals. the Sudder Court allow the petitioner to appeal *in forma pauperis* notice shall be given to the respondent to file his grounds of objection in the manner provided by Section VI of this Act, and the same procedure shall be adopted subsequently thereto, as in other cases of regular appeal under this Act. The rules and conditions now applicable to persons admitted by the Sudder Court to appeal *in forma pauperis*, shall continue in force; except where the same are inconsistent with any of the provisions of this Act.

Rules of Sudder as to pauper appeals to continue in force. *Clause 6th.* If the Sudder Court refuse to allow the petitioner to appeal *in forma pauperis*, the said Court may make an order to the effect, that the appellant, upon filing a petition of appeal in that Court upon paper bearing the stamp duty prescribed by Section XIII., and Clause 2, Section XXIII., Regulation XIII. of 1816 may proceed with the appeal, according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Appellant how to proceed upon such order. *Clause 7th.* Upon such order being made, the appellant shall file his petition, and re-file his objections upon paper stamped with the stamp duty required by Clause 5th of this Section, within two weeks from the date of such order, or within such further time, as the said Court may allow for that purpose; otherwise the appeal shall stand dismissed.

Notice of order to be given to respondent. Subsequent procedure thereon. *Clause 8th.* Upon the refiling of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VI of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice, shall be according to the general provisions of this Act.

In pauper appeals appellant's objections may be on unstamped paper. *Clause 9th.* If an appellant shall petition to appeal *in forma pauperis*, his grounds of objection may be written on plain paper.

All subsequent objections may be on unstamped paper. *XIII.* If an appellant shall be admitted to appeal or a respondent to defend *in forma pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XIV. No decision shall be reversed or altered, nor shall any case be remanded upon appeal to the Sudder Court, on account of any error, defect, or irregularity not productive of injury, &c.

No decision to be reversed by reason of error not productive of injury, &c.

not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

XV. The provisions of this Act shall not apply to regular appeals preferred from decrees passed before the passing of this Act, which appeals shall be subject to all the forms and rules in force previous to the passing of this Act.

Act not to be retrospective.
W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August 1854.

The following Bill was read a second time in the Legislative Council on the 12th of August 1854.

A Bill to amend the Law of Evidence in the Civil Courts of the East India Company in the Madras Presidency.

WHEREAS the law of evidence administered by the Civil Courts of the Presidency of Fort St. George in Madras, and the rules for the attendance and examination of witnesses and the production of documents in Courts, require amendment. It is enacted as follows:—

I. Section VII. Regulation III. of 1802, Section XX. Regulation IV. of 1802, Clauses 1st and 2nd, Repeal of former Regulations. Section XXIX. Regulation VI of 1816, and Section XIV. Regulation VIII. of 1816 of the Madras Code, so far as they are inconsistent with the provisions of this Act; and Section XXII. Regulation VII. of 1809, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal, or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf or on behalf of any other party to the suit, appeal, or proceeding? in the same manner as if he were not a party

Proviso. to the same. Provided that no party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XXXII. or XXXIII. of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the par-

Abolishes incompetency on ground of interest or relationship.

ties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent Husband or wife to give evidence for or against when a competent witness for or against the other provided that the examination shall take place

in open Court in such manner as the Court may direct having regard to the usages and customs of the country, or that it be taken and read, and subject to the Rules prescribed in Section XXXII. or XXXVIII. of

this Act; provided also that

Proviso. any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession

or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided

Proviso. that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit, in which according to the practice of the Court to appoint a Court a day is fixed for the day for the hearing. hearing, shall have filed their exhibits and lists of witnesses, the Court shall, by an order in writing, appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether the parties to the suit or not, whom the party filing the list may intend to call as witnesses, or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the Court may cause notice to be given to a party to show cause why he should not attend.

such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. Clause 1.—In support of the cause shown, the Court shall receive a written declaration of party receivable. Declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2. If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be liable to the punishment provided for the offence of making a false allegation in a petition to a Judicial Court, by Section II. Regulation I. of 1832.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

XII. The Court, on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum

as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall

be had to the rules, if any, established by the Court or Board, if any, to which such Court shall be subordinate. The sum so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document, shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If

witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every such summons shall, if possible, be served personally upon the person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified therein for his attendance, to allow the witness a reasonable time for preparation, and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness, not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title-deeds, unless he shall have agreed in writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

XXI. A witness, being a party to the suit, shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to produce it, or cause it to be produced to the Court, although there be a valid objection to the

* Court may call for and inspect, and may also examine witnesses to ascertain the admissibility of a document; if deemed inadmissible, reason must be recorded. right of the party calling for it to compel its production, or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it; and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document shall not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for by the person, naming him who shall call for its production, that the person having the possession of the document, naming him, objected to its production; and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if

such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that

What shall be deemed of the client, and if any party to a suit shall give evidence of this privilege, therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and which the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney, or vakeel shall be bound upon examination to disclose any such matter.

XXIV. If any witness, whether a party to a suit or not, to whom any summons to give evidence or produce a document shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons as required by this Act; or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already, before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document; and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property

Proviso.

no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section XXVII. of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party; or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex parte*. If any such complaint, appeal, or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal, or complaint in respect of the same matter.

XXV. Any person present in Court, whether Person present a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence, or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons; and any person who, being in Court, and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession,

shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding or keeping out of the way as aforesaid, to be recovered in civil action.

XXVII. If a person, whether a party to a

After proclamation suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot

after diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed in the presence, and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode, and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent,) shall be liable, under an order

of the Court, to attachment and sale.

Provided. *and sale.* Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. Clause 1.—The cost of the attach-

*Costs of attachment
and proceedings there-
on.* ment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and at-

achment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order

the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine, not exceeding the amount in dispute in the suit, as the Court may deem fit to impose upon the witness, having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to appeal from order for attachment.

Appeal from order for attachment. and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case; provided that when a summons shall have been issued for the attendance of a plaintiff or appellant in suit to give evidence, or produce a document, the Court shall, at the request of the defendant respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff appellant can be personally summoned, or shall attend and give evidence, or produce the document required; and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence, and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any

particular question and answer if there shall appear any special reason for doing so, or any party or his vakeel, shall require it. If any question put to a witness be objected to by either of the parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

XXXII. In cases where the evidence is needed of females, who, according to Evidence of purdah women, ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section V., Act VII. 1841, to the contrary notwithstanding.

XXXIII. On or before the day appointed for trial, the Court may, for any sufficient reason, such as the unavoidable absence of any material witness, or for other good cause, on the application of either party, postpone the hearing to another day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner as if such notices had been expressly mentioned in such provisions. If the application be too late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority, will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall, unless there be good and sufficient reason to the

contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties or such of them as desire it shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the arguments and evidence, the Judge shall record his judgment under Act XII. of 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence, or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section XXXII. of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case, may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either to require witnesses to remain before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any witness in a cause who, without lawful excuse, shall wilfully remain in or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal, or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, Interpretation of word "witness" in Act VII. shall respectively include 1841. any party or parties to a suit, and the said Act shall

be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided that the

Proviso. deposition of a party taken

under the provisions of this Section, at the instance of any opposite party, may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that in the judgment of the Court it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in

support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other Officer or person mentioned in Section II. of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any Officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section II.; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding, or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and *vice versa*.

XLI. This Act shall come into operation on the

Act when to operate.

W. MORGAN,
Clerk of the Council.

**RULES FOR THE MANAGEMENT OF THE
POST OFFICE DEPARTMENT.**

*Passed by the Governor General of India in Coun-
cil on the 12th of August 1854.*

**I. ALL existing Rules, General Orders and Pro-
clamations issued by the Go-
vernment, for the guidance of**

All existing orders passed by Government rescind-
ed.

Settlements of India, saving such
as relate to Dawk Travelling and matters of
account, shall cease to have effect from 1st of
October next, and the following Rules and Orders
shall be substituted for the same, to be in force
at all Post Office Stations in any of the Presi-
dencies, Settlements, or Possessions of the East
India Company, and to take effect from the
above-mentioned date.

**II. Letters, papers and parcels shall be re-
ceived at every Post Office, for**

Receipt of let-
ters, &c., for des-
patch by land or
sea.

despatch by land or sea, to every
part of India, to Ceylon, and
to every other part of the world
with which there is a Post Office
communication. Unless specially superscribed
for the first despatch by land or by sea, or by
some particular ship, they shall be sent by
such route as shall appear to the Post Master to
afford the means of most speedy and secure trans-
mission. Letters and papers not exceeding 12
tolahs in weight shall also be received at every
Receiving House or other place which the Post
Master General may appoint. Letters, papers
and parcels shall likewise be received for des-
patch by post as above at every Thannah or Dis-
tinct Dawk Office.

III. Letters, papers or parcels required to be

Receipt of let-
ters for Foreign
countries via Great
Britain or Ireland.

be addressed to the care of an agent or other
person in the United Kingdom, by whom the
foreign postage demandable at the London General
or other Post Office may be paid. Such
postage cannot be received in this country, and
unless it be paid through an agent as above de-
scribed, the letters are liable to be returned to
India.

IV. The name of the sender of any letter,

Name of sender
of any letter, &c.,
not to be demanded.

not.

Letters to be re-
turned at any sta-
tion for del very at
any station.

Letters, papers or parcels shall be received
at any Presidency or Provincial
Post Office, or Receiving House,
for delivery at the same station,
within the ordinary range of de-
livery.

V. Parcels exceeding 600 tolahs in weight

Limitation as to
size of parcels.

Post Office for despatch along
line of road on which the banghy parcels are
carried by foot-runners; but no parcel ex-
ceeding 2,000 tolahs in weight shall be received
any Post Office for despatch by banghy or
mail under any circumstances whatever.

VII. Parcels received by post from seaward,

Parcels received
from seaward in ex-
cess of maximum
weight how to be
treated.

Packages

VIII. Newspapers or other printed or en-

Newspapers, &c.,
not to be detained
for examination,
but to be forward-
ed marked "Doubt-
ful."

Infringed, shall not be detained for examination at
the Despatching Office, but shall be forwarded
marked " Doubtful." The Post Master receiving
such letters, &c., by the mail, shall then be guided
by the instructions laid down in Section XLVIII.
of the Post Office Act ; but unless for the causes
specified above, and in Sections XXXVII. and
XLVIII. of the Post Office Act, all Post Office
authorities are prohibited from detaining any
letter, paper or packet received for delivery by
post.

IX. All letters, newspapers or other papers

and packets received for despatch

Letters, papers
and parcels to be
weighed at Office
of despatch, and shall be stamped

with the office stamp, and marked

single, double, &c., as the case may be ; and all letters, &c., the full postage on which has not been pre-paid by stamps, shall have the postage to which they are severally liable marked on them. Service letters shall never be re-weighed prior to delivery, nor newspapers, except in case of suspicion. Banghy parcels shall in all cases be re-weighed on delivery. The re-weighing of private letters shall be at the discretion of the Officer in charge.

X. Persons not belonging to the Department

shall not be admitted into the

Examination of
Post Office re-
cords not permitted
to the public.

mission of the Post Master

General, to whom, or to the Post Master, ap-
plications for information or redress must be
made, either in person, or in writing, by the party
requiring the same.

XI. At each Presidency Post Office, banghy

hours of receipt
at Presidency Post
Offices.

parcels will be received every
day, Sundays excepted, for des-
patch, from 10 A. M. till 5 P. M.,
and newspapers and letters every

day till 6 P. M., after which hours, respectively,
they will be received till 7 P. M., on payment of
an extra half-rupee each, which shall be credited
to Government.

XII. At Receiving Houses and places where

At Receiving
Houses.

there are letter boxes, letters,

papers and packets not exceeding

12 tolahs in weight will be re-

ceived daily from 11 A. M. to 4 P. M., or at such
other hours as may be determined by the Post
Master General, provided that no Receiving
House shall remain open for less than five hours dai-
ly, and that letter-boxes for letters unpaid and pre-
paid by stamps be kept open, day and night, except
for a quarter of an hour subsequent to the time
fixed for the closing of each mail.

XIII. At Provincial Post Offices, bangle parcels will be received for despatch

At Provincial Post Offices. from 10 A. M. till 4 P. M., and letters and newspapers till 5 P. M., after which hours respectively they will be received till 5½ P. M., on the sender paying an extra half-rupee each, to be appropriated as provided in Section XI.

XIV. Although all Post Offices will be open for receipt of letters, papers and parcels as above, official references shall be made to Post Office authorities only between the hours of 11 and 5, Sundays excepted.

XV. At each Presidency Post Office, there shall be three deliveries daily, *Delivery of letters, &c., at Presidency Post Offices.* the first delivery not to be later than 7, the second at 11 A. M., and the third at 3 P. M., at which hours, respectively, the peons shall quit the Office with the letters, &c. entrusted to them. All letters, papers and parcels received from 3 P. M. till 5 A. M. shall be sent out at the first delivery, all from 5 to 10 A. M. at the second delivery, and all from 10 A. M. to 3 P. M. at the third delivery, and mails received after 3 P. M. shall not ordinarily be opened till the following morning, except when received by Express or from seaward.

XVI. At Provincial Post Offices the delivery of letters, papers and parcels must depend upon the hour of the arrival of the mails at each station, after which they shall be delivered with all possible despatch.

XVII. The delivering peons are prohibited from going out of their usual course to deliver letters, papers or parcels, and from delivering them without immediate payment of the exact amount of postage; and they are not bound to give change. Should they be subject to detention, they are not to deliver the letters, papers or parcels, but to return them in the evening to the Post Office for delivery the following day.

XVIII. Whatever postage is marked on a letter, paper or parcel must be paid at once on delivery, after which any complaint of overcharge will be duly attended to. In all complaints of over-charge or unnecessary delay in delivering letters, papers or parcels, the covers or envelopes bearing the Post Office stamp must be presented for inspection; and when any complaints are preferred against any peon, the number on his badge should be specified.

XIX. From each Presidency Post Office the mails shall be despatched daily from Presidency Post Offices. at 8 P. M. and the bangles as soon after as possible.

XX. At Provincial Post Offices the packets for all mails to be despatched in the course of the night shall be finally closed at 6 P. M.; but for mails which usually pass in the course of the day, the packets shall be made up half an hour before the time appointed for the arrival of such mails, which are in no case to be subjected to any detention beyond the regulated time. Notice of the hour at which such packet is closed shall be hung up outside the Office, both in English and in the language of the district, after which hour, letters, papers or parcels received shall not be forwarded till the following day, unless such

mails should not arrive until after 6 P. M., in which case a second packet shall be made up.

XXI. The Post Master at any station, or person in charge of the Office, damaged, not to be shall have power to refuse letters, received papers or parcels bearing the appearance of having been opened and re-closed, or otherwise improperly dealt with, unless the writer or sender thereof shall attest with his full signature, that they were sent in that state.

XXII. In order to protect, as far as possible, Post Offices not to receive valuables the public mails from the chance of robbery, Officers in charge of for despatch. Post Offices shall not knowingly receive coin, bullion, precious stones or jewels for despatch, either by letter or bangle post.

XXIII. The servants at the several Post Office prohibited from giving change to parties sending or receiving letters in any case.

XXIV. Letters will be registered on payment of a fee of 4 annas, and parties Registered letter posting such letters will be furnished with a receipt bearing the address of the letter and the office stamp. The fee must in all cases be paid in money. On the delivery of a registered letter, a receipt for the same must be given to the delivery peon.

XXV. Receipts will not be granted for any Receipts will not letters or papers received at any be given for letters, Post Office for despatch, except &c. in the case of registered letters, and will be granted for parcels only when presented ready written, either in books or on separate slips of paper along with the parcels. Receipts so presented will be duly stamped.

XXVI. On the arrival of any ship or vessel of Notice to arriving any British Indian port, a printed vessels for disposal of packets. notice, under the signature of the Post Master of the port or station, shall be delivered to the Commander by the first boat despatched to board the vessel, according to the requisition of which, the Commander shall proceed to dispose of such packets as he may have on board, as directed in Section XL. of the Post Office Act, a copy of which Clause shall be communicated to the said Commander.

XXVII. The Master Attendant of each Presidency port, or such other Officer Master Attendant to notify intended departure for all vessels. as may be directed by Government, shall furnish the Post Master with early intimation of the intended departure of all vessels to any part of the world, and the Post

Post Master to publish weekly lists. Master shall cause a list of the vessels for which packets are open to be published weekly in the official Gazette of his own Presidency.

XXVIII. The Post Master shall also cause to be published weekly, in the official Gazette of the Presidency Post Master to publish weekly notice of packets despatched. a notice of the several dates up to which packets have been despatched by each vessel carrying a mail, that may have left the port.

XXIX. All public despatches are to be made up in the most compact form Public despatches to be compactly made up. possible, and whenever two or more letters are despatched from any one Office to the same individual, by the same day's post, they are to be put up under one cover provided they do not, in the aggregate, exceed 12 tolahs weight.

XXX. When the number of covers received at any Post Office shall cause the weight of the mail to exceed the regulated weight, the Post Master is authorized to keep back a portion of the heavier public despatches and imported newspapers till the following day, but private letters and public letters marked "Despatch" shall not be kept back.

XXXI. Despatches to be transmitted by Express must bear on the face of them the words "By Express," and the signature in full of the Officer sending them.

XXXII. As the employment of Expresses interferes with the celerity and regularity of the ordinary mails, and is attended with expense, public Officers are enjoined to employ them as sparingly as possible, and any public Officer despatching an Express, when the exigency of the Public Service does not, in the opinion of the authority to whom he is subordinate, require it, will be held answerable for the expenses attending that method of transmission. Public Expresses from a Presidency Post Office can only be ordered by a Secretary to Government.

XXXIII. Expresses may be employed by private individuals at the discretion of the Post Master applied to, on payment being made at the rate of 4 annas per mile in advance.

XXXIV. Letters directed to Native Officers, or men of their Regiments or Detachments, shall be delivered to an Orderly, or any other fit person, who shall be deputed by the Officer Commanding the Regiment or Detachment to receive the same; but letters on which postage may be due shall not be delivered to such person, unless the postage be first paid.

XXXV. Letters which individuals address on their private affairs to any Government Officer must be sent pre-paid by stamps; and this rule is to be understood to include letters transmitting Bills of Exchange, Promissory Notes, Receipts, Government Securities, &c., to the Accountant General, Government Agent, or any other public Officer. When public Officers write letters on such subjects to individuals, they shall subscribe on the envelopes, with their official signatures, the words "Bearing Postage."

XXXVI. The postage on letters and parcels sent on the Public Service, by the public Officers mentioned in the subjoined lists, shall be charged to the Departments to which they severally belong; such letters must be addressed according to the subjoined form:—

<i>Postage on letters on Public Service to be charged to the Department to which Officers commanding them belong.</i> <i>Form of Address.</i>	ON THE PUBLIC SERVICE ONLY. <i>The Officer Commanding</i> <i>1st Regt. Lt. Cavalry,</i> <i>CAWNPOR.</i> <i>JHN SMITH,</i> <i>Adjt. Genl.</i>
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The signature and designation of the Officer signing the same being written in full.

LIST NO. I.

Parties authorized to send by post (without actual payment of postage) all letters, packets or parcels, *bona fide* and exclusively on the Public Service, the same to be certified on each letter in the form above described:—

Civil.

Her Majesty's Principal Secretaries of State. President and Secretaries of the Board of Control.

Chairman and Deputy Chairman of the East India Company.

Secretary, Deputy Secretary, and Assistant Secretary at the India House.

The Governor General.

The Governors of Bengal, Madras, and Bombay. The Lieutenant-Governors of the North-West Provinces and Bengal.

Members of Council.

Members of the Legislative Council.

Accountant General or Deputy Accountant General.

Accountant.

Agents, Political, or to the Governor General. Civil Auditor.

Clerk of the Legislative Council.

Collectors, and Deputy Collectors of Customs. Conservator of Forests, Bombay.

Collectors.

Sub, Deputy, or Assistant, having special charge.

Commissioners, and Deputy Commissioners.

Governor of the Straits' Settlements.

Judges of the Sudder Courts, when on Circuit or Deputation only.

Judges, Sessions and Zillah.

Subordinate and Assistant, having special charge.

Magistrates.

Joint, Deputy, and Assistant, having special charge.

Members of Boards and Commissions, when on Circuit, or Deputation only.

Mint Masters.

Opium Agents and Deputies.

Director General of the Post Office in India.

Post Master General.

Post Masters.

Private Secretary to Governor General, or to Governor, or to Lieutenant-Governor of any Presidency.

Registers of Sudder Courts.

Residents at Foreign Courts.

Resident Councillors in the Straits' Settlements.

Remembrancer of Legal Affairs.

Salt Agents.

Secretaries to Government.

Under, Deputy, and Assistant.

" to all Boards, Commissions, and Committees, appointed by Government.

Sub-Treasurer.

Superintendent or Chief Magistrate of Police.

" of the Government Lithographic Press.

" Stamps.

" Stationery.

" for Suppression of Thuggee, and

Assistants, having special charge.

Superintendent of Electric Telegraph.

<i>Marine.</i>		
Commander-in-Chief of Her Majesty's Naval Forces.	Garrison Surgeons and Medical Officers attached to Regiments, Stations, or Depôts,	To Superintending Surgeons of their several Divisions.
„ the Indian Navy.		
Secretary to Her Majesty's Naval Commander-in-Chief.		
„ to the Marine Board.	Master Attendant, Calcutta, —————	To Authorities at Diamond Harbour, Kedgeree, and Stations down the River.
Superintendent of Marine.		
<i>Ecclesiastical.</i>		
Bishops of Calcutta, Madras, and Bombay.		
<i>Military.</i>		
Commander-in-Chief of the Army in India.	Controller of Government Steam Vessels, To the same, and to Steam Agents.	
„ at Madras and Bombay.		
Adjutants General, Assistants, and Deputy Assistants.	Subordinate Judicial, Revenue, Police, Engineer, and other Civil Officers, —————	To the Authorities with whom they may have to correspond on Public Service within their respective Districts.
Agents for Army Clothing.		
Auditor General.		
Brigadiers.	Patrolling Officers of Customs, —————	To their immediate superior, or to the nearest Magistrate.
Commandants of Forces, or Stations.		
Commanding Officers of Corps or Detachments.		
Commissary General, and Deputy.		
Commissariat, Senior Executive Officer at the Presidency or at Out-Stations.	Revenue and other Surveyors, —————	To Surveyor General, Deputy Surveyor General, Collector of the District, or Paymaster of the Division.
Commissaries of Ordnance, and Deputies, being Commissioned Officers.	Steam Agents, —————	To the Controller of Government Steamers, and to each other (their communications being sent in covers open at each end.)
Director of Artillery Dépôt of Instruction.		
Engineers, Chief.		
„ Civil, or Executive.		
„ Superintending.		
Fort or Town Major.		
General Officers on the Staff.		
Judge Advocate Generals, and Deputies of Divisions.		
Pay Masters, and Deputy Pay Masters.		
Quarter Masters General, Deputies, Assistants, and Deputy Assistants.		
Secretary, Military, to Governor General, or Governor.		
„ to Commander-in-Chief.	Principal Sudder Ameens	
„ to all Boards, Commissions, and Committees appointed by Government.	and Sudder Ameens, Within their respective districts and to their immediate superior.	
Superintendent of Canals and Bridges.		
„ Family Payments and Pension.		
„ Gun Carriages.	Superintendent of Salt Chowkies, —————	The same.
„ Gunpowder.		
„ Roads.	Superintendent of Government Gazette Press, —————	Official Gazettes to public Officers authorized to receive the same.
„ Trigonometrical and other Surveys.		
„ Stud.		
Surveyor General, Deputy, and Commissioned Assistants.	Assistants in the Telegraph Department, —————	To their immediate superior.
<i>Medical.</i>		
Apothecary to the Company, or Medical Store Keeper.	Vaccinators, —————	To the same.
Inspector, and Deputy Inspector General of Her Majesty's Hospitals.	Warrant and Non-Commissioned Officers of the Commissariat Department in charge of public cattle, when absent from stations only, —————	To their immediate superior, or to the Quarter Master General or Assistant Quarter Master General.
Superintending Surgeon.		
LIST No. II.		
Parties authorized to send letters and official <i>Gazettes, bona fide</i> and exclusively on the Public Service, relating to the business of their respective Departments, without actual payment of postage, but only to the authorities hereinafter named :—		
Archdeacon, —————	To the Registrar and Clergy of the Diocese.	
Accountant to Chief Engineers, —————	To Superintending, Executive, Assistant Executive, and Civil Engineers.	
Chaplains at Out-Stations, —————	To Archdeacon or Registrar.	
		Warrant and Non-Commissioned Officers of the Ordnance Department in charge of stores, when absent from stations only, —————
		their immediate superior, or to the Se

cretary to the Military Board.

Warrant and Non-Commissioned Officers of the Department of Public Works, when detached on such works,

To their immediate superiors.

Commanders of Government Steamers and Pilots,—

To the Commander-in-Chief of the Indian Navy, Master Attendant, or Secretary to the Marine Board. This privilege extends only to Shipping Reports, superscribed as such, and sent either open or in covers open at both ends.

Tide Waiters,

To Collector of Customs. This privilege extends only to Tide Waiters' Reports superscribed as such.

N. B.—The privilege of sending letters by post, without actual payment of postage, extends only to letters exclusively on the Public Service, and all Public Officers are prohibited from sending on service letters relating to the private concerns of individuals, though they may be in reply to communications addressed to them in their official capacity. Such letters must either be pre-paid by stamps, or sent bearing postage.

All Periodical Returns and Reports, and all papers not of an important or confidential nature, are to be packed in covers open at each end.

Letters on the Public Service, not intended to be permanently retained on record, are to be written on paper of the smallest size (compatible with clear and legible writing.)

XXXVII. All letters, papers and packets received for despatch, to be marked with the appropriate office stamp, and with the amount of postage, whatever, received at any Post Office in India, for despatch by post, whether paid, stamped, or liable to postage, as the case may be, are to be marked with the appropriate stamp, bearing the name of such Office of despatch; and when slide stamps, showing the date of the month and year, are not provided, the said date must be entered in writing across the middle of the face of the stamp. If the letter or packet received for despatch be bearing postage, the amount of postage due must be entered in writing on the face of the letter.

XXXVIII. All letters, papers and packets received for delivery, to be stamped, but the postage, unless under-charged, not to be marked. whatever, received at any Post Office, by post, for delivery at such Office, are in like manner to be stamped with the appropriate office stamp, and marked with the date of the month and year; but the amount of postage paid or due is not to be marked, unless the letter has been under-charged with postage at the Despatching Office.

XXXIX. All postage stamps on letters, papers or parcels must be carefully obliterated with the stamp furnished for that object; and the

black composition supplied for the purpose must be used in all cases. Letters bearing stamps, which have been previously obliterated or defaced, must be treated as unpaid letters.

XL. No Post Master is allowed to affix a postage stamp to a letter brought himself to affix a stamp on letters, &c.

XLI. Forward letters, papers or packets, i.e. Forward letters, &c., to be stamped and marked with additional postage, are to be stamped at each Office of fresh despatch, and marked with the additional postage due on such fresh despatch.

XLII. On baggy parcels the exact weight must in all cases be entered in writing on the face thereof.

XLIII. Supplementary rules, regarding the shape and size of the office stamps to be used on the several descriptions of letters, shall be, when necessary, circulated by the Director General of the Post Office.

XLV. At such Post Offices as have more than one delivery daily, all letters, papers and packets must be marked with a stamp, showing at which delivery they were distributed.

C. ALLEN.

Offg. Secy. to the Govt. of India.

GENERAL RULES RELATING TO THE RECEIPT, DESPATCH AND DELIVERY OF LETTERS BY DISTRICT POSTS.

Approved of by the Governor General of India in Council on the 12th August 1854.

1. WHEREVER any local establishment may be maintained for the conveyance or delivery of the Police, Revenue or other official communications, it shall also be made use of for the conveyance and delivery of private correspondence, and be designated a District Post.

2. All Office or Road establishments, attached to any District Post, will be under the control and management of the Officer to whom they may be entrusted by the Local Government.

3. Such Police Stations and other Public Offices, as may be selected by the Local Government, shall be constituted District Post Offices, but this shall remain under the management and supervision of the same officials who are at present in charge of them.

4. A Letter Box, with a slit in the top or side, shall be fixed in a conspicuous place outside of every District Post Office. The words "Letter Box," in English and the Vernacular of the district, shall be painted on each box in legible characters.

5. All letters (except those to be specially registered,) intended for despatch from any District Post Office, must be dropped into the Letter Box. No receipt will be given. Every letter posted at a District Post Office must have its proper postage stamp affixed to it.

6. Any person wishing to post a registered letter at any District Post Office can do so on pay-

ment of a registry fee of four annas, in addition to the ordinary postage chargeable on the letter, according to its weight. A receipt in the proper form must, in all cases, be given to the poster of a registered letter, whether it be demanded or not. One anna of the registration fee will be allowed to the person registering the letter, the remaining three annas must be sent with the letter by the same day's despatch to the nearest Post Office.

7. Every District Post Office will be supplied by the Post Office Department with registered letter covers, forms of receipt and of register, and with the rules relating to registered letters.

8. Except when it may be opened for the purpose of taking out the letters preparatory to their despatch, the Letter Box shall remain locked, the key being in custody of the person in charge of the Office.

9. Fifteen minutes before the hour at which the despatches of the Office are usually made up, the Letter Box will be opened and the letters in it taken out. Those addressed to places to which there is a direct communication through the District Post will be separated from all other letters, sorted and packed in covers addressed to the Officer in charge of the District Post Office from which they will be delivered. The remaining letters will be made up into one packet and addressed to the nearest Post Office with which he has a communication.

10. A Chulan or Letter Bill in the Vernacular (Form 1) will be sent with every packet despatched from a District Office to a Post Office. The Deputy Post Master or person in charge of the Post Office will, after satisfying himself that the contents of the packet agree with the Chulan, copy the entries into his register, sign, and by the next day's despatch return the Chulan. The received Chulans will be filed and form the only record in any District Post Office of the despatches made from it.

11. All Chulans are to be numbered consecutively in a series, commencing on the 1st of May; and if any District Post Office is in the habit of sending packets to more than one Post Office, the Chulans sent to each Post Office will be numbered in a separate series.

12. All letters sent from one District Post Office to another will be accompanied by a Chulan (Form 2), which will be received and returned to the Despatching Office, to be filed as a record.

13. All letters received at any Post Office, to the address of persons resident in the same district, but beyond the limits of any ordinary post delivery, will, if the Post Office be at the head-quarters of the district, be sent with a Chulan (Form 1) to the Officer in charge of the District Post, to be by him sorted and forwarded to the District Post Offices of the several sub-divisions in which the residence of the addressees may be situated.

14. Persons in charge of Post Offices in the interior of districts receiving letters for persons residing beyond the limits of their ordinary delivery, but within the sub-division of a District Post Office with which they have direct communication, will send them, if pre-paid, for delivery to that Office, with a Chulan (Form 1.) Letters for persons resident in the district, but within a sub-division with which the Receiving Office has no direct communication, must be sent to the Post Office of the head-quarters of the district. All letters bearing postage for delivery in the interior

must be sent to the Post Office at the head-quarters of the district.

15. Officers in charge of District Post Offices will carefully compare with the Chulan the contents of every packet received. If the Chulan is correct, it will be receipted and returned; if not correct, the discrepancies will be noted thereon.

16. A delivery book (Form 3,) showing the names of persons entrusted with the delivery of letters, will be kept in every District Post Office and be the only record of letters received for delivery.

17. Letters will be delivered by such persons and under such rules as the Local Government may from time to time determine. Every person, through whom any District Post letter may be delivered, is authorized to receive a fee of one pice (a fourth of an anna) for his own use, in addition to any unpaid postage which may be due on it.

18. All postage realized on letters sent from any Post Office for delivery through the District Post will be remitted every Saturday to the Post Office at the head-quarters of the district with the remittance book (Form 4.) The person in charge of the Post Office will give a receipt for the amount in the opposite column and return the book by the first despatch. At the close of the month, a balance will be struck, showing the postage still due to the Post Office on letters which have been received; this balance will be brought forward and a new account commenced on the 1st of the following month.

19. All letters, which from any cause cannot be delivered, will be returned with as little delay as possible to the Post Office from which they were received, and if any unpaid postage be due on them credit for the amount will be taken in the remittance book. Unpaid letters are never, under any circumstances, to be sent from one District Post Office to another.

20. A monthly memorandum (Form 5,) showing the number of letters received for delivery at each District Post Office, will be prepared by the person in charge and sent on the 2nd of the following month to the Officer in charge of the Post Office at the head-quarters of the district. Persons in charge of Post Offices will prepare similar memoranda and send them to the Post Office at the head-quarters of the district. The Officer in charge will, before the 15th of each month, prepare a general statement showing the number of letters posted at, and delivered through the agency of the District Post Office in the preceding month.

By Order of the Most Noble the Governor General of India in Council,

C. ALLEN,

Offg. Secy. to the Govt. of India.

Notifications, Appointments, &c.

*Fort William, Foreign Department,
The 11th August 1854.*

No. 3564.

The Governor General in Council is pleased to determine, that Rangoon shall henceforth be Ship Registering Port under Act X. of 1841. The Collector of Customs at Rangoon is accordingly hereby appointed Ex-officio Registrar of Shipping at that Port.

No. 3565.

The Governor General in Council is pleased to appoint Mr. C. Bryan to be Deputy Inspector of Prisons in the Punjab. That portion of the G.O., under date the 4th March 1853, No. 1089, nominating Mr. W. E. Cary to that situation, is accordingly cancelled.

No. 3566.

Lieutenant A. R. Bayley, of Her Majesty's 8th Regiment of Foot, to be an Assistant under the Chief Engineer of the Punjab.

No. 3567.

Assistant Surgeon H. B. Montgomery, M. B., of the Madras Medical Establishment, is appointed to the Medical charge of the Civil Establishments in the city of Pegu, with effect from the 3rd January last.

No. 3568.

Lieutenant R. F. Oakes, Assistant to the Superintendent of the Topographical Survey of Pegu, has obtained leave of absence for three months, on private affairs, to visit Madras, from the date of the departure of the Steamer from Rangoon for Calcutta, in the middle of the current month.

The 14th August 1854.

No. 3569.

The Governor General in Council is pleased to make the following appointments in the Nagpore Commission :—

TO BE DEPUTY COMMISSIONERS.

1st Class.

Captain E. K. Elliot, 43rd Bengal Native Infantry, and Superintendent of Police in the Province of Nagpore.

Captain J. K. Spence, 20th Bengal Native Infantry.

2nd Class.

Captain A. H. Chesney, 23rd Madras Native Infantry.

TO BE ASSISTANT COMMISSIONERS.

1st Class.

Captain C. M. Shakespear, 9th Madras Native Infantry.

2nd Class.

Lieutenant W. H. Crichton, 38th Madras Native Infantry.

The 16th August 1854.

No. 3570.

Lieutenant R. C. Stewart, of Her Majesty's 84th Regiment, is appointed to be 2nd Assistant to the Executive Engineer at Rangoon, as a temporary measure, and with effect from the 16th June last.

No. 3571.

Lieutenant W. S. R. Hodson, Commanding Guide Corps and Ex-officio Assistant Commissioner in Eusuffzye, has obtained leave of absence for one month, under Section XI. of the Amended Absentee Rules, from the 26th June to the 25th ultimo, on urgent private affairs.

Lieutenant C. J. Godby, of the Guide Corps, is appointed to the Civil charge of Eusuffzye, during Lieutenant Hodson's absence.

The 18th August 1854.

No. 3572.

Major C. Davidson, Extra Assistant General Superintendent at Hyderabad, made over charge of the Thuggee and Dacoite Establishments of that place to Captain A. R. Thornhill, 2nd Assistant Resident, on the 1st instant.

No. 3573.

Major H. B. Edwardes, C. B., Commissioner of Peshawur, has obtained leave of absence for one month, under Section XI. of the Amended Absentee Rules, from such date after the 1st proximo as he may avail himself of it.

No. 3574.

Mr. L. Berkeley is appointed to officiate as Extra Assistant at Goojranwalla, during the absence on leave of Mr. R. Berkeley.

No. 3575.

Mr. G. E. Lance, Deputy Commissioner of Googaira, has obtained leave of absence under Medical certificate for four months, from the 1st instant, or from the date on which he may avail himself of the same, under Section VIII. of the Amended Absentee Rules. Mr. F. Thompson, Assistant Commissioner of Sealcote, will officiate as Deputy Commissioner in the room of Mr. Lance.

Lieutenant E. Thompson, Assistant Commissioner of Thaneyur, has obtained leave of absence for four months, under Medical certificate, from the date on which he may avail himself of the same, under Section VI. of the Amended Absentee Rules.

Lieutenant R. J. D. Ferris, Assistant Commissioner of Googaira, has obtained leave of absence, on urgent private affairs, for two months, from the 1st instant, under Section XII. of the Amended Absentee Rules.

Mr. J. H. Prinsep, Assistant Commissioner of Goordaspoor, has obtained leave of absence for one month, under Section XI. of the Amended Absentee Rules, from the 1st instant, or from the date of his availing himself of the same.

No. 3576.

Lieutenant J. Hallowes, Assistant Civil Engineer, Third Division, Lahore and Peshawur Road, has obtained leave of absence, on urgent private affairs, for two months, from the 1st instant, or from the date on which he may avail himself of it, under Section XII. of the Amended Absentee Rules.

Lieutenant J. W. Bean, Cantonment Joint Magistrate of Rawul Pindee, has obtained leave of absence for one month, under Section XI. of the Amended Absentee Rules, from the date on which he may avail himself of it.

Lieutenant J. E. Cracroft, Assistant Commissioner, is appointed to conduct the Judicial duties of the Office; and Captain Davies, Officiating Brigade Major, to superintend the Police in the Cantonment, during Lieutenant Bean's absence.

Lieutenant E. H. Paske, Assistant Commissioner of Shahpoor, has obtained leave of absence for one month, on private affairs, under Section XII. of the Amended Absentee Rules, from the date on which he may avail himself of the same.

Captain J. Chambers, Officiating Cantonment Joint Magistrate of Sealcote, has obtained leave of absence for one month, under Section XII. of the Absentee Rules, from the 19th proximo, or from the date on which he may avail himself of the same.

Lieutenant E. W. E. Howard, of the 4th Lancers, is appointed to officiate for Captain Chambers, during his absence.

No. 3577.

The Most Noble the Governor General in Council is pleased to permit Major A. C. Dewar to resign his appointment of Commandant of the 1st Regiment of Cavalry, Gwalior Contingent, from the 31st instant, the date on which the leave granted to him in G. O. No. 130, dated 13th January last will expire.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieut.-Governor of the North-Western Provinces.

No. 1392 A. of 1854.

Separate Revenue Department,

Head Quarters, the 7th August 1854.

Notification.—The Hon'ble the Lieutenant Governor, North-Western Provinces, is pleased to notify, that from the 16th August 1854, the levy of Customs duties on goods imported or exported by the River Sutlej, on the Frontier line of the jurisdiction of the Customs Department of these Provinces, shall be discontinued, except on Salt imported from Scinde.

No. 1396 A. of 1854.

Judicial Department.

Leave of Absence.—Mahomed Wuzeerooddeen, Officiating Sudder Ameen of Pillibheet, for 5 days, on private affairs; from the 8th July 1854.

No. 700 A. of 1854.

General Department,

The 9th August 1854.

Assistant Surgeon C. R. Francis, M. B., employed on special duty in Kumaon and Gurhwal, has obtained leave of absence for 2 months on urgent private affairs, under Sections XI. and XII of the Absentee Rules, from the date on which he may avail himself of the leave.

W. MUIR,

Secy. to Govt., N. W. P.

No. 3503 of 1854.

Judicial Department,

Agra, the 10th August 1854.

Notification.—The leave of absence, for 9 days, granted in Orders of 8th June last, to Mahomed Hubeeboollah Khan, Principal Sudder Ameen of Jounpoor, is cancelled.

By Order of the Hon'ble the Lieut.-Governor, North-Western Provinces,

C. P. CARMICHAEL,
Assist. Secy. to Govt., N. W. P.

General Orders by the Most Noble the Governor General of India in Council.

Fort William, 16th August 1854.

No. 833 of 1854.—The leave of absence for one year, to proceed to Madras, Ceylon and China, on Medical certificate, granted to Lieutenant William Fullerton, 14th Regiment Native Infantry, in Government General Order No. 691, of the 1st September 1853, is extended to eighteen months from date of departure, to proceed to, and remain at, the Cape of Good Hope, on the same account.

No. 834 of 1854.—The Most Noble the Governor General of India in Council is pleased to make the following promotion:—

Medical Department.

Assistant Surgeon Charles Douglas, M. D., to be Surgeon, from the 8th August 1854, vice Senior Surgeon John Syme Toke, deceased.

No. 835 of 1854.—The following Extracts of Orders issued by the Resident at Hyderabad, on the under-mentioned dates, are published in General Orders:—

Hyderabad Residency, 7th July 1854.—No. 121.—The following Orders by Captain S. G. G. Orr, Commanding 3rd Cavalry, Hyderabad Contingent, are confirmed.

Regimental Order, dated 1st January 1854.—Captain Orr, Commanding 3rd Cavalry, assuming charge of the Adjutant's Office, there being no Adjutant appointed to the Corps.

Regimental Order, dated 11th April 1854.—Captain Orr, Commanding 3rd Cavalry, assuming charge of the Adjutant's Office, consequent on Captain Dona's appointment to command the 4th Cavalry.

Hyderabad Residency, 12th July 1854.—No. 123.—The following Order is confirmed:—

Regimental Order by Captain McKinnon, Commanding 3rd Infantry, Hyderabad Contingent, dated 4th January 1854, assuming charge of the Adjutant's Office in the absence of an Adjutant, or until further orders.

Hyderabad Residency, 27th July 1854.—No. 133.—The Regimental Order by Captain Hill, Commanding 1st Infantry, Hyderabad Contingent, dated 10th April 1854, assuming charge of the Adjutant's Office, consequent upon Ensign and Adjutant Hill's transfer to the Cavalry, is confirmed.

No. 836 of 1854.—The Pay, Batta and other Allowances for August 1854, of the Troops at the Presidency and at the other Stations of the Army, will be issued on or after Monday the 11th proximo.

No. 837 of 1854.—The following Family Pensioners of the Meerut and Haupper Circle are struck off the Pension List from the dates of last payment:—

1. "Soogree" (No. 3588,) who fraudulently obtained payment of the pension of her daughter-in-law named "Soojeeah."

2. "Soojeeah" (No. 3586,) who, after her admission, has not been heard of, and in consequence failed to attend at six consecutive half-yearly payments.

3. "Davy" (No. 3561,) who obtained pension by General Order, Commander-in-Chief, of the 21st February 1843, as the legitimate son of the late Luchmun Classie, of Artillery, whereas he is in reality the natural son of the deceased.

4. "Jeynee" (No. 3650,) who obtained a pension as the widow of the late Naick Sarnam Sing, 54th Regiment Native Infantry, whereas she never was his wife.

Fort William, 18th August 1854.

No. 838 of 1854.—The under-mentioned Gentlemen are admitted into the Service, in conformity with their appointment by the Hon'ble the Court of Directors, as Cadets of Infantry on this Establishment, and promoted to the rank of Ensign from the date assigned to them in G. G. O. No. 11 of the 7th ultimo:—

Infantry.

*Date of Arrival
at Fort William.*

Mr. Walter Harrington Thomas, { 15th August
Mr. Bernard Cracraft, } 1854.

No. 839 of 1854.—The following Extract from the *London Gazette*, of the 30th June 1854, is published for general information:—

BREVET.

To be General in the Army in the East Indies.
Lieutenant General Sir Hopetoun Stratford Scott, K. C. B. Dated 20th June 1854.

To be Major in the Army in the East Indies.
Captain Harry Burnett Lumsden, 59th Bengal Native Infantry. Dated 6th February 1854.

R. J. H. BIRCH, Colonel,

Secy. to the Govt. of India,
in the Mily. Dept.

Notification.

It is hereby notified that para 5 of the Abbaree Notification dated 30th August 1849, issued by former Collector of Calcutta Mr. J. H. Young, and published in the *Calcutta Gazette* of 1st September 1849, is recalled, and the following substituted in the place thereof:—

5th. No parties may sell English or foreign Beer, Wines or Spirit in any quantity less than 2 gallons or 12 common quart bottles, without a retail licence, but this prohibition does not extend to the sale of small quantities as samples of the said Beer, Wine or Spirits, provided that the sample does not exceed one bottle of each description.

F. S. LUSHINGTON,

Collector.

CALCUTTA,
Excise Office,
The 14th August 1854.

NOTICE is hereby given, that an Examination will be held on Monday the 28th August 1854, for the purpose of testing the requirements of Candidates for Certificates of Qualification as Regimental Moonshees and as Teachers of the unpassed Civil Servants, according to General Orders by the President of the Council of India dated 9th October 1850, and the Government Notification dated the 24th January 1854, respectively.

Candidates are requested to send in their applications, stating the language or languages to be passed in, on or before the 25th instant.

W. N. LEES,

Secy. to the Board of Examiners.

*Fort William, }
9th August 1854. }*

حسب حکم جنرل ارکار مورخہ نہم اکتوبر سنہ ۱۸۵۴ و حسب حکم گورمنٹ مورخہ بست و چهارم جنوری سنہ ۱۸۵۴ ع اشتہار دادہ می شود کہ تاریخ امتحان مدشیان امتحان دھندگان برای عہدہ منشیگری پلن و بروای تدریس صاحبان اهل قلم در فورت ولیم کالج روز بست هشتم ۲۸ اگست سنہ حال مقرر گردیده است هر کوڑا امتحان دادن منظور باشد باید کہ تا بست و پلھم این ماہ قطعہ درخواست بقید زبان یعنی کہ کدام کدام زبان امتحان خواهد داد نوشته نزد سکریٹری بورڈ آف ایزامنرس بگذرانہ تحریر فی التاریخ نہم ماہ اگست سنہ ۱۸۵۴ ع

W. N. LEES,
Secy. Board of Examiners.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect, in his Office in Calcutta, up to 4 P. M. on Monday 28th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for constructing a new Stable and Coach House in the Premises of the Residence of the Magistrate of 24-Pergunnahs at Allipore.

Time for Execution (4) Four months.

Specification and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,

Civil Architect.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect in his Office in Calcutta, up to 4 P. M. on Wednesday 23rd August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

"Tenders for making up and fixing Glass Sash Doors and Windows, and for building a Wall in the Magistrate's, 24-Pergunnahs, Cutcherry at Allipore."

Time for Execution (2) Two months.

Specification and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect in his Office, in Fort William, up to 4 P. M. on Monday 28th August 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for "White-washing, Sand-rubbing, Painting and Repairing the Dwelling House of the Magistrate of 24-Pergunnahs at Allipore," to commence on Monday 18th September 1854.

Time for Execution (3) Three months.

Specification and further information to be obtained from the Civil Architect's Office in Fort William.

A deposit in Cash of (100) One Hundred Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Notice.

SEALED TENDERS, from Professional Builders only, will be received by the Civil Architect, in his Office in Fort William, up to 4 P. M. on Monday 4th September 1854.

Tenders will be opened in the Civil Architect's Office, and in presence of parties interested, at the above-mentioned time.

Tenders for "Executing Annual and Quadrennial Repairs to the Public Military Buildings at the Station of Allipore for the Season of 1853-54."

Work to be commenced on the 15th October next.

Time for Execution Two and half (2½) months.

Specification and further information to be obtained from the Civil Architect's Office in Fort William.

A Deposit in Cash of One Hundred (100) Rupees is required with each Tender.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board's Office, 28th March 1853, will be returned.

Forms of Tender to be had on application to the Civil Architect's Office.

F. B. NORRIS,
Civil Architect.

Thomas Michael DeSouza PURSUANT
versus to an Order of the
Maria Margueritta Gonsalves. Supreme Court of
Judicature at Fort William in Bengal, made in
this cause, on and bearing date the 27th day of
March 1854, the next of Kin and Creditors of
Francis Barretto Gonsalves, late of Calcutta, who
died on or about the 5th day of March 1844, are
hereby required to come in and prove their re-
spective claims and debts on or before the 19th
day of August next, before John Cochrane,
Esquire, the Master of the said Court, at his Office
in the Court House, or in default thereof they will
be nemittorily excluded from the benefit of the
said Order.

JOHN COCHRANE,

Master.

Messrs. Lyons and Bell,

Complainant's Attorneys.

CALCUTTA,
Supreme Court, Master's Office, }
The 19th June, 1854. }

Court for the Relief of Insolvent Debtors at Calcutta

In the matter of John James Robinson, of Fort William in Bengal, a Serjeant in Her Majesty's 70th Regiment of Infantry, and a Trader, carrying on business at Rangoon, in the kingdom of Burmah, under the name, style and firm of J. W. Wallace and Company, Clothiers, Provisioners and Wine and Spirit Merchants, an Insolvent.

Biddle and Sherrington, Attorneys.

On Saturday the 5th day of August instant, it was ordered that the hearing in this matter stand adjourned until Saturday the 2nd day of September next.

In the matter of Charles Stevenson, of Goosree, in the Zillah of 24-Pergunnahs, Dealer in Jute and Screwer of Jute and Cotton, &c., an Insolvent.

Robertson, Atty.

In the matter of Sumboonauth Day and Tarranauth Day, late of Colootolah, in the Town of Calcutta, the former a Writer in the Military Board and the latter an Inhabitant of Calcutta, but lately prisoners confined in the Great Jail of Calcutta, Insolvents.

Hudson, Atty.

In the matter of George Martin, late of Collingah, in Calcutta, and late a prisoner, a Section Writer in the Home Department, an Insolvent.

Insolvent in person.

On Saturday the 3rd day of August instant, it was ordered that the hearing in these several matters stand adjourned until Saturday the 2nd day of September next, and that the orders made in these matters for the *ad interim* protection of the said several Insolvents from arrest be, and the same are hereby respectively enlarged to the 2nd day of September next, and that the said several Insolvents do then attend to be examined by the said Court respectively.

Draft
P.D.

In the matter of Robert Fort Haskins, late of Serampore, an Assistant to Messrs. Hunt, Bray and Winsley, of the same place, Railway Contractors, but in present of Boitakhanab, in Calcutta, an Inspector of Police, an Insolvent.

On Saturday the 5th day of August instant, it was ordered that the hearing in this matter stand adjourned until Saturday the 7th day of October next, and that the order made in this matter for the *ad interim* protection order of the said Insolvent from arrest be, and the same is hereby enlarged to the said 7th day of October next, and that the said Insolvent do then attend to be examined by the said Court.

Robertson, Attorney.

In the matter of William Gaumisse, of Circular Road, in Calcutta, late a Dealer, an Insolvent. Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 4th day of August instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee of the said Court; and it was ordered, that the hearing in this matter shall be on Saturday the 7th day of October next, at the hour of 11 o'clock in the forenoon of the said day, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

In the matter of Gopaul-Bunder Paul, late of Serampore, and now residing at Seekdarparah Lane, in Morasanko, in Calcutta, an apprentice in the firm of Messrs Joseph and Co., of Calcutta, an Insolvent. Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 10th day of August instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee of the said Court; and it was ordered, that the hearing in this matter shall be on Saturday the 7th day of October next, at the hour of 11 o'clock in the forenoon of the said day, and that the said Insolvent do then attend to be examined by the said Court.

Insolvent in person.

In the matter of George On Saturday the 5th May, an Insolvent. Notice, that an account of unclaimed dividends in this matter be received and filed in the Office of the Chief Clerk of the said Court.

John Cochrane, Official Assignee.

In the matter of Petrus Johannes Sarkies, an Insolvent. On Saturday the 5th day of August instant, an account of the receipts and disbursements of the Official Assignee, from the 2nd day of April 1849 until the 1st day of August instant, has been filed, and may be inspected at the Office of the Chief Clerk of the said Court, and it was ordered that Saturday the 2nd day of September next be appointed for the further hearing in this matter for the purpose of making a dividend.

"Any Creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing."

John Cochrane, Official Assignee.

Chief Clerk's Office, }
18th August 1854.

General Post Office Notifications.

NOTICE is hereby given, that the Mails for Vizagapatam and Singapore, for transmission per H. C. Steamer *Berenice*, will be closed at this Office on Saturday the 19th instant.

C. K. DOVE,

Deputy Post-master General.

Fort William,
General Post Office, }
The 17th August 1854.

THE Business connected with the Calcutta Post Office having been made over exclusively to the charge of the Deputy Post Master General, the public are requested from this date to address that Officer direct, on all matters connected with that Office.

J. R. BURLTON BENNETT,

Post-master General of Bengal.

Calcutta, General Post Office, }
The 1st July 1854.

No. 2259.

THE Deputy Post Master General regrets to inform the public, that from a communication received from the Post Master of Tezapore it appears, that the Calcutta Mails of the 22nd ultimo, for Tezapore, Assam, Seesbaugor and Debrooghur, and also the Mails for those places sent from Gowhatta and Mungledye on the 31st idem, were totally lost, with the Dak Boat, on the night of the latter date, at "Pobamaree Chapree," a little above Mungledye. The accident is attributable to the falling in of the bank, which fell on the boat, and caused the same to sink immediately.

C. K. DOVE,

Deputy Post Master General.

Calcutta, General Post Office, }
The 15th August 1854.

Rangoon Post Office Notice.

LETTERS and Newspapers, which should be addressed to RANGOON only, are frequently directed by mistake to Pegu or Burmah, and letters, &c. intended for delivery in Pegu, Prome, Bassein and other places in the Provinces, are in like manner erroneously addressed to "Rangoon, Burmah." The Rangoon Post Master begs to notify that, with such *vague* directions, this Department is left to find out to which of the Stations such letters should be forwarded, and from want of information, great disappointment is felt when they are despatched to the wrong Station. To obviate this, it is desirable, that parties posting letters in Calcutta or elsewhere, should be careful to direct them to their respective Stations, and to inform their Agents and Correspondents, when leaving one place for another, of their change of address, to ensure letters being directed to the proper Station. A list of places in the Pegu Provinces or in Burmah, and their distance from Rangoon, is annexed below, *viz.*:

Donabew,	.....	40 miles.
Pegu,	.....	55 "
Sittang,	.....	67 "
Shoaygyeen,	.....	90 "
Bassein,	.....	95 "

Henzada,.....	95 miles.
Tonghoo,.....	130 ,,
Monean, ..	120 ,,
Thayetmyo,.....	200 ,,
Meeday,.....	205 ,,
Namean, ..	195 ,,
Prome,	200 ,,
Yeagheen,	160 ,,
Tapoon,.....	{ Below Prome.
Tindan,.....	
Tayngheen,	
Yandoon,	

Letters addressed to public functionaries, whose head-quarters or residence is in Rangoon, should be addressed "Rangoon," instead of Pegu or Burmah; but if intended for delivery at other Stations, should be addressed to those Stations, the word Rangoon to be omitted.

(Signed) C. M. CRISP,
RANGOON POST OFFICE, } Post Master.
The 19th June 1854. }

No. 1215.

THE above Notification from the Post Master of Rangoon is published for general information.

J. R. B. BENNETT,
Post-master General.

Calcutta, General Post Office, }
The 5th July 1854. }

For Dacca and Gowhatti in Assam.

To leave on or about the 7th Proximo.

THE Thames, with the *Snoorma* in tow. For Freight or Passage apply at the Government Boat Office.

By Order of the Superintendent of Marine,
J. WOODLEY,
Clerk of the Govt. Boat Office.
Government Boat Office, }
The 18th Aug. 1854. }

Notice to Mariners.

DEVAAR LIGHTHOUSE.

THE COMMISSIONERS of NORTHERN LIGHTHOUSES hereby give Notice, that a LIGHTHOUSE has been built upon the ISLAND of DEVAAR, at the Entrance to the BAY of CAMPBELTOWN, in the County of ARGYLL, the Light of which will be exhibited on the Night of MONDAY 10th July 1854, and every Night thereafter, from the going away of daylight in the evening till the return of daylight in the morning.

The following is a Specification of the Light-house, and the Appearance of the Light, by MR. DAVID STEVENSON, Engineer to the Commissioners.

The LIGHTHOUSE is in N. Lat. $55^{\circ} 25' 45''$, and W. Long. $5^{\circ} 32' 16''$.

The DEVAAR LIGHT will be known to Mariners as a REVOLVING LIGHT, which shows a bright white Light once every half-minute.

The Light is elevated about 120 feet above the level of high water of ordinary spring tides and may be seen at the distance of about 13 nautical miles, and at lesser distances, according to the state of the atmosphere: to a nearer observer, in favourable circumstances, the Light will not wholly disappear between the interval of greatest brightness. The arc, illuminated by this Light, extends from about S. $\frac{1}{4}$ E. by compass to about W. b. N., and faces Northwards.

And the COMMISSIONERS hereby further give NOTICE, that Her Majesty, by Order in Council dated 29th December 1853, was pleased to order and direct that, upon the Erection and Lighting of the said Light upon the Island of Devaar, there should be paid, in respect thereof, for every Vessel belonging to the United Kingdom of Great Britain and Ireland (the same not belonging to Her Majesty or being navigated wholly in ballast.) and for every Foreign Vessel, which by any Act of Parliament, Order in Council, Convention or Treaty, shall be privileged to enter the Ports of the United Kingdom, upon paying the same Duties of Tonnage as are paid by British Vessels, the same not being navigated wholly in ballast, which shall pass or derive benefit from the said Light, that is, which shall arrive at or depart from any Port or Place in the Bay of Loch of Campbeltown, if the burthen of the same shall not exceed Fifty Tons, Six-pence, and if the same shall exceed Fifty Tons, for each additional Fifty Tons, or part of Fifty Ton Six-pence.

And Her Majesty was further pleased to order and direct, by the said Order in Council, that in respect of the said Light on Devaar, and in respect of another light in Loch Ryan, on the South side of the Basin of the Clyde erected by the said Commissioners, there shall be paid by every Vessel before described, and under the exemptions aforesaid, which shall navigate on a distinct voyage with the Great Basin of the Clyde, bounded by a line drawn from the Point of Corsewall to Glenarm, Ireland, on the South-east, and from another line drawn from the Mull of Kintyre to Fairhead, Ireland, on the North-west, and on all other sides by the coasts of Ireland and Scotland surrounding the said Basin, a similar rate of Toll to that above set forth, being at the rate of Three-pence for each of the said Lights.

Double the said respective Tolls for every Foreign Vessel not privileged as aforesaid.

Provided always, that Vessels arriving at or departing from any port or place within Loch Ryan, or within Campbeltown Loch, and paying the rates for such respective voyages, shall not addition be liable in payment of the rates for navigating the Basin of the Clyde.

The above rates are, by another Order in Council, declared to be subject to the following abatements on payment:—

Over-sea Vessels, Twenty-five per cent.

Coasting Vessels, Ten per cent.

By Order of the Board,

ALEX. CUNNINGHAM,
Secretary
Northern Lighthouse Office, }
Edinburgh, 1st June 1854. }
No. 4.

No. 4277.

MEMO.—Published for general information.
By Order of the Superintendent of Marine,

H. HOWE,

Secretary.

Fort William.
The 15th August 1854. }

NOTICE.—MR. WILLIAM DENT, Junior, and
MR. THOMAS C. LESLIE are this-day admitted
Partners in our Firm.

DENT AND CO.

Hong-Kong.
1st July 1854. }

To the Shareholders of the India General
Steam Navigation Company.

NOTICE is hereby given, that the ordinary Half-yearly General Meeting of the Shareholders will be held on Monday the 18th September, at 3 o'Clock P. M., at the Office of the Company.

After the general business of the day, this Meeting will be made special for the purpose of taking into consideration the subject of the suspension of Mr. H. N. P. Grant from the Office of Secretary and passing such resolutions as may be necessary.

By order of the Directors,

J. F. STACE,

Acting Secretary.

*I. G. S. N. Co.'s Office,
Clive Street Ghaut, Calcutta,*
31st July 1854. }



SUPPLEMENT TO
The Calcutta Gazette.

Published by Authority.

SATURDAY, AUGUST 19, 1854.

Land-Sale Notice.

NOTICE is hereby given, that the under-mentioned one Estate in Zillah Purneah will be put up to public and unreserved Re-sale at the Collector's Office of that District on Friday the 25th August 1854, corresponding with 17th Bhadon 1261 F. S., under Act I. Section XVI. of 1845:—

Class 2nd.—Mehal permanently settled, paying a jummah not exceeding 100 Rupees.

No. 33.—Mouzah Berhampoor, Burmoter Pergunnah Hurrawuth; recorded proprietor, Mohunlall, auction purchaser; sunder jumma, rupees 50-11-0.

PURNEAH, COLLECTOR'S OFFICE, }
The 7th August 1854. }

G. G. BALFOUR,
Offg. Collector.



The Calcutta Gazette.

Published by Authority.

Notification.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co. for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON, Secy. to the Govt. of Bengal.

WEDNESDAY, AUGUST 23, 1854.

Legislative Council.

12th August 1854.

THE following Act, passed by the Legislative Council, received the assent of the Most Noble the Governor General of India on the 12th of August 1854, and is hereby promulgated for general information:—

ACT NO. XVII. OF 1854.

An Act for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

I. Act No. XVII. of 1837, Act No. XX. of 1838, and Act No. XVII. of 1839 are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are, or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's posts, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending,

Exclusive privilege of carrying letters posted in the East India Company.

dispatching, and delivering all letters, except in the following cases, that is to say:

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

III. Wheresoever, within the said territories, posts or post communications are, Prohibitions. or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2. Owners and Commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees ; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees ; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post shall forfeit for every such letter a sum not exceeding fifty rupees ; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a sum not exceeding five hundred rupees ; and every person who shall carry, receive, or collect letters contrary to the provisions of section III. of this Act, shall forfeit for every letter a sum not exceeding fifty rupees , and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

V. For carrying on the service of the Post Office, it shall be lawful for the Governor General of India in Council to appoint, or to authorize the local Governments to appoint, such Officer or Officers, with such official styles or designations, and to vest them with, and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor General of India in Council may deem expedient.

VI. Wheresoever posts or post communications are, or shall be established by the East India Company, postage, if pre-paid by a stamp or stamps, as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale :

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah, and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas ; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate of postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt ; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of dispatch of such Mails ; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt ; nor on any newspaper posted for dispatch by sea otherwise than through the East India Company's post, when posted at the place of dispatch.

VII. Wheresoever posts or post communications are, or shall be established by the East India Company, postage on newspapers, pamphlets, and other printed or engraved paper transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale :

1. On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs ; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall be charged and taken two additional annas for every three tolahs in weight above six tolahs ; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

VIII. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed, that is to say :

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not

be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

X. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :

For Distances	If NOT EXCEEDING IN WEIGHT					
	20 Tolabs.	100 Tolabs.	200 Tolabs.	300 Tolabs.	400 Tolabs.	500 Tolabs.
Miles.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
Not exceeding, 100	0 2	0 4	0 8	0 12	1 0	1 4
Not exceeding, 300	0 6	0 12	1 8	2 4	3 0	3 12
Not exceeding, 600	0 12	1 8	3 0	4 8	6 0	7 8
Not exceeding, 900	1 2	2 4	4 8	6 12	9 0	11 4
Not exceeding, 1200	1 8	3 0	6 0	9 0	12 0	15 0
Exceeding, ...	1 14	3 12	7 8	11 4	15 0	18 12
						22 8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding fifty rupees, and letter postage shall be chargeable on every letter contained therein.

XII. Books, pamphlets, packets of newspapers, &c., and of printed or engraved books, pamphlets, papers other than newspapers, &c., provided they do not exceed one hundred and twenty tolahs in weight, and be sent without covers or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed theron as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried :

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

XIII. Banghy postage, when chargeable by distance under Section XI, shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor General of India in Council and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section VI, and newspapers, pamphlets, and other printed or engraved papers according to the scale in Section VII of this Act, as the case may be;

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such certificate be false, any such

Certificate.

thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section VI. or Section VII. of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided.

Parcels exceeding forty tolahs.

hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master or Deputy Post Master, to whom such parcels are brought for dispatch, to forward them at such times and in such manner as may be convenient.

XVI. Whenever the Post Master General of

Where banghy parcels and letter mails are conveyed in the same carriage.

with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in in a parcel, shall forfeit for every such offence a sum not exceeding fifty rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

XVII. On all parcels chargeable under Section XI. with banghy postage according to distance when conveyed by land, ship post-

age shall be charged when they are conveyed by means of the East India Company's post by sea according to the following scale, viz.:

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for dispatch either by ship or steam-boat, or by banghy post, except in such cases and under such restrictions as the Governor General of India in Council shall direct.

On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six

hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

XIX. Letters and newspapers posted for despatch, either by Her Majesty's ship and inland post- age on foreign covers Mails or otherwise to Ceylon, must be pre-paid. or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be dispatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for despatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps. Provided that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles, upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

XX. Subject to any alteration which may be made by virtue of the power Postage on letters, &c., hereinafter vested in the Governor General of India in

Council, letters posted for despatch, either by sea or land, to any place to which a post communication is, or shall be established by the East India Company, upon which the postage chargeable under Section VI. of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section XI. or Section XVII. may be pre-paid in money or by a postage stamp or stamps: when not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

XXI. It shall be lawful for the Governor General in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall

not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

XXII. If any letter be posted, having affixed thereto a postage stamp or stamps, the value of which charged.

Letters, &c., with insufficient stamps, how charged. shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage to which

such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto, and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed.

XXIV. No person shall knowingly post, or send, or tender, or deliver in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding two hundred rupees.

XXV. It shall be lawful for the Governor General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section XXI. of this Act.

XXVI. No person having delivered into any Post Office any letter, parcel, or packet shall be entitled to recall the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, subject to such rules and regulations, if any, as the Governor General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so recalled or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official Gazette of any Presidency, be recovered in the same manner as postage chargeable under this Act.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

XXIX. The Governor General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

XXX. Postage stamps provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor General of India in Council shall direct; and all sums

of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

XXXI. The Governor General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

XXXII. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be liable to a penalty not exceeding two hundred rupees, in addition to any other proceedings to which they may be liable.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required,) shall be subject to a fine not exceeding one hundred rupees.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted thereby on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding one hundred rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

XXXV. Clause 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamp; or if any person shall knowingly, and without lawful excuse (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged or counterfeited die,

packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect

Government not responsible for loss.
of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

L. Whoever being in the employ of the Government in the Post Office

Penalty for secreting, opening, or making away with letters, &c., by persons employed in the Post Office.
Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which

may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

LI. It shall not be lawful for any person, unless acting by express order

Penalty for detaining mails.
of the Government, to detain, except for a criminal offence,

a Post Office messenger, whilst carrying the mails, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred rupees.

LII. Every person who shall fraudulently retain, or wilfully secrete, or

Penalty for retaining letters, &c., delivered by mistake.
make away with, or keep or detain, or, being required to deliver up by an Officer of

the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LIII. Every person employed to convey or

Penalty for neglect on the part of persons employed to carry mails.
deliver any post-bag, or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LV. Whoever being in such employ as is described in Section LIV.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.
shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVI. Whoever being in such employ as is

Penalty for incorrectly preparing documents, or secreting documents by persons employed in the Post Office.
described in Section LIV.

and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly, or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVII. Whoever being in such employ as is

Penalty for sending letters without charging postage, by persons employed as above.
described in Section LIV.

shall send by the post, put into any post bag, an unstamped letter, parcel, upon which postage has not been paid, charged in the manner prescribed in this Act, tending thereby to defraud the Government, the postage on such letter, parcel, or packet, shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVIII. Any person, whether a European

Fines how to be recovered.
British subject or not, who shall be guilty of any offence which, according to the provisions of this Act, he shall be liable to a fine or

shall be punishable, for such offence, by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of

Conviction to be quashed on merits only. Form of conviction, &c.
Justice of the Peace shall be quashed for error of or procedure, but only on merits, and it shall not be necessary to call on the face of the conviction, order, or judgment the evidence on which it proceeds, but the positions taken, or a copy of them, shall be referred with the conviction, order, or judgment.

obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be decided by what so appears in such depositions.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are here rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of goods and chattels of the offender, by warrant of the hand of any of the above-named Officers, and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until payment can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and upon the return of such warrant, it shall appear that no sufficient distress can be made whereon to levy such fine, and the same shall be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for a term not exceeding two calendar months, and the amount of the fine shall not exceed £¹⁰⁰ for any term not exceeding four months, and for any term not exceeding six calendar months, in any other case determinable in each of the amounts.

If no sufficient distress, &c.
the offender to prison, there to be imprisoned or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for a term not exceeding two calendar months, and the amount of the fine shall not exceed £¹⁰⁰ for any term not exceeding four months, and for any term not exceeding six calendar months, in any other case determinable in each of the amounts.

LXIII. A share not exceeding one moiety of every fine imposed Moiety of fines to Informer. and recovered under this Act may be awarded to the informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories, and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General in Council to take cognizance of offences committed in such dominions by servants of the Company, or by any Court or Magistrate, competent Officer, in any part of the within the Government of the East Company, in the same manner as if the offend been committed in such part of the territories.

LXVI. The word "Magistrate" in this Act Interpretation. shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

LXVII. It shall be lawful for the Governor General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

LXVIII. Unless the Governor General of Books, &c., sent by post to or from the United Kingdom. India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such

Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty rupees.

XVII. Any person who shall trespass upon any such Railway, or upon any

of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

XVIII. Any person who shall wilfully ride,

lead, or drive upon or across any such Railway, any animal, except in directly crossing the

said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty rupees for each offence.

XIX. If the Railway cross any public carriage road on a level, the Railway

Company shall erect, and at all times maintain, good and

efficient gates, either across the Railways across the road on each side of the Railways

the same shall communicate with the roads

shall employ proper persons to open and shut such gates; if such gates be across the road they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages, passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway:

Proviso. provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Penalty. If any Railway Company shall wilfully fail to comply with the provision of this Section they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply

with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

XX. Every such Railway Company shall be bound to erect and maintain

Railway to be fenced. good and sufficient fences on

each side of their Railway; or,

failing therein, shall be liable to a fine not exceeding fifty rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order they shall be liable to a fine not exceeding fifty rupees for every day that they fail so to do.

XXI. The owner of any animal which shall

Liability of owner of trespass or stray upon any such Railway, or upon any lands belonging to such Rail-

way Company, except for want of the erection & maintenance of any fence or gate which the Com-

pany is bound to erect and maintain, shall be

liable to a fine not exceeding ten rupees for e

or any of their servants, to take or drive eve

animal which shall be found so trespassing to th

nearest Police Station, there to be detained until

the highest amount of fine incurred by such tres-

pss and the expense of feeding and keeping th

animal be paid, or until a Magistrate shall o

therwise order. A Magistrate may, upon proof o

the trespass, cause such animal to be sold by r

public auction, and the proceeds of the sale, after deducti

ng therefrom such fine or such a sum, not

exceeding ten rupees for each animal, as the Ma

gistrate shall award to be paid in lieu of the fine

to which the owner is hereby made liable, and

such further sum as the Magistrate shall order to

be paid for the expenses of detaining, feeding, and

selling such animal, shall be returned to the

owner of the animal on demand.

XXII. Any person who shall unlawfully ar

wilfully remove or deface the

Penalty for injury number plates, or remove

extinguish any lamp on

carriage belonging to any such Railway Compa

or shall wilfully or negligently damage or inj

any carriage, engine, waggon, truck, wareho

building, machine, fence, or any other mattes

thing belonging to such Railway Company, sh

be liable to a fine not exceeding fifty rupees.

XXIII. If any person for whose use or

commodation any gate

Penalty for open- have been set up by any

ing or not properly Railway Company on

shutting gates.

other person, shall open such gate;

attempt to pass, or drive, or attempt t

carriage, cattle, or other animal or

the said Railway at a time when

train approaching along the sa

shall be in

such gate, as soon as he and any carriag

or other animal or thing under his charge,

have passed through the same, he shall be liable to

a fine not exceeding fifty rupees.

XXIV. If any person shall commit any offence

Offender may be here made punishable by

apprehended. fine, and the name and ad

dress of such person shall be

unknown, or there be reason to believe that the

offender will abscond, any officer or servant of the

Company, or any police officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that

Penalty for wilful act or omission endangering a passenger.

he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXVI. If any officer or servant of such Rail-

Penalty for wilful act or omission in a Railway officer.

way Company shall wilfully do any act which he is legally prohibited from doing; or shall

wilfully or negligently omit to do what he is legally bound to do, and if, in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years, or to fine, or to both.

XXVII. Any officer or servant of such Rail-

Penalty for drunkenness or breach of duty by Railway officer.

way Company who shall be in a state of intoxication, whilst actually employed upon the Railway, or any of the works connected therewith, in the dis-

charge of any duty, and any officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty rupees; and if the duty in any of the cases in this Section above-mentioned be such, that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine, or to both.

XXVIII. If any person shall rashly or negli-

Penalty for an act not wilful.

gently and without lawful excuse do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to fine,

XXIX.

Rule of Construction of this Act.

unction of this Act, every and servant of such Company, shall be deemed to be legally bound to do every thing necessary for, or conducive to the safety of the public which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor General of India in Council, and of which Regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be

likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

XXX. Any person, whether a European

Jurisdiction of Magistrate, &c., to fine.

British subject or not, who shall be guilty of any offence, for which, according

to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XXXI. No conviction, order, or judgment of

Conviction to be quashed on merits only—form of conviction, &c.

any Justice of the Peace, shall be quashed for error of form or procedure, but only on the merits; and it shall not be

necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

XXXII. A Magistrate may refer for trial and

Magistrate may refer case to his Assistant or Deputy.

decision any charge of an offence hereby made punishable by fine only to any of his As-

sistants, any Deputy Magistrate lawfully appointed exercise the powers of a covenanted assistant, in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

XXXIII. The local Government may give

Local Government may authorize Assistant or Deputy Magistrate, &c.

general authority to any such Assistant or Deputy Magistrate to exercise, without reference

by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate

Proviso. may at any time call from any of his Assistants, or from any

Deputy Magistrate subordinate to him, any case pending before such assistant or Deputy Magistrate.

XXXIV. All fines imposed under the auth-

Fines how to be recovered. rity of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate,

Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the

offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXXV. The heads of district police and ameens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty rupees.

XXXVI. Payment of any fare by passenger not producing ticket. Enforcing payment of fare by passenger not producing ticket. Payment of any fare by passenger not producing ticket. Delivering up ticket shall be liable under section I. of this Act, may be forced in the same manner as any fine imposed by this Act.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV., XXVI., XXVII. and XXVIII., of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade, as shall, by any law in force for the time being, be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

XXXVIII. In the construction of this Act, Construction. unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural, words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XXXIX. Acts No. III. of 1853 and No. XII. of 1853, are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

XL. Every Railway within the said territories used for the public conveyance of passengers or goods shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong, shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty rupees for every day during which the omission to give the same shall continue.

XLII. The local Government may order and Local Government direct any such Railway Company to make up and deliver of accidents to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required,

Penalty. every such Company shall forfeit the sum of fifty rupees for every day during which the said Company shall neglect to deliver the same.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of Charges which shall from time to time be published by any Railway Company, with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the Vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th Augt.

THE following Bill was presented to the Legislative Council on the 12th of August 1854.

A Bill for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George.

WHEREAS it is desirable to simplify and shorten the procedure in regular appeals to the Court of Sudder Udalut in the said Presidency, it is enacted as follows:—

I. Clause 1st.

Petition of regular appeal, when and to what Court to be presented, and what to contain.

cision was passed of the decision. Such petitions of appeal shall, except in cases of petitions under Section XII. of this Act, contain only notice that the party, being dissatisfied with the decision, is desirous of appealing from it.

Clause 2nd.

Time for presenting petition of appeal may be extended. To what Court and how application to be made.

time may be made directly to the Sudder Court, or through the intervention of the lower Court, at the option of the applicant.

II. On presentation of a petition of regular appeal to the Court in which the decision was passed,

Notice to be given to respondent—and proclamation to issue. same effect, shall immediately issue from that Court, and a copy of the proclamation shall be forthwith fixed up in some conspicuous part of the Court House of the said Court. If the notice cannot be personally served, the proclamation shall at once be fixed upon the door of the respondent's dwelling house, or in some conspicuous place in the village or place where he usually resides; or in cases in which the respondent shall not have a fixed residence within the jurisdiction of the Company's Courts, the proclamation may be fixed upon the door of his house of business or cutcherry, or the notice may be served on his known local agent. In case the proclamation cannot be fixed, or the notice served in the manner abovementioned, the proclamation shall be fixed up in such other place, if any, as the said last mentioned Court shall direct. The Nazir shall make a return to the Court stating when and where, the notice and proclamation have been served or fixed up. The return of the Nazir shall be filed in Court, and shall form part of the record of the case, and such return shall be published by fixing up the same in some conspicuous part of the Court House of the lower Court.

III. Clause 1st. The rule in Section XI,

Of what original papers copies are to be deposited. Regulation V. of 1802, which directs copies of all original papers transmitted to the Sudder Court with the record of an

appealed case to be made out and deposited in the Court, in lieu of the originals, is hereby modified, and it shall be necessary to copy, authenticate, and deposit only the exhibits in the case, and also any other papers of importance, including the pleadings, or any parts of them, which either of the parties shall require to be copied, authenticated, and deposited in the lower Court, previously to their being transmitted to the Sudder Court.

Clause 2nd. If either of the parties require any

Party requiring any paper to be copied, to give notice thereof. papers to be copied, authenticated and deposited, such party shall, either by himself, or his pleader, or authorized agent, give notice in writing thereof to the lower Court, before the expiration of fourteen days from the time of the publication of the return of the

Nazir, as aforesaid : such notice shall specify the papers which the party requires to be copied, authenticated, and deposited.

Clause 3rd. Either party may by himself, or

Party may require papers to be copied in anticipation of appeal. before the presentation of an appeal, give notice in writing to the lower Court specifying any papers or documents which he requires to be copied, authenticated, and deposited, in the event of an appeal being prepared.

IV. The petition of appeal together with the record of the lower Court, shall

Petition and record when to be certified to the Sudder Court. be certified to the Sudder Court as soon as conveniently may be, after the presentation of the petition of appeal, provided that the same shall not be certified within the time allowed to the parties for specifying the papers which they desire to be copied, authenticated, and deposited.

V. On arrival of the appeal record at the Sudder Court, notice shall be affixed in the Court House of the said Court, requiring the appellant to file, within six weeks from the date thereof,

his grounds of objection to the decision of the Court below. Within the said space of six weeks the appellant shall file in the said Sudder Court his grounds of objection to the decision.

VI. Clause 1st. On the filing of the grounds

Notice to respondent to file objection. of objection by the appellant, notice shall be affixed in the Court House of the Sudder Court requiring the respondent to file his grounds of objection, if any, to appeal, or to the decision of the lower Court, within four weeks from the date of such notice.

Clause 2nd. Within the said space of four weeks, the respondent shall

When respondent to file objections. file any grounds of objection which he has to the appeal, or which relate to such parts of the decision as are involved in the appeal.

Clause 3rd. If the respondent shall desire to

In what case respondent may file a separate petition of appeal. object to any part of the decision of the lower Court not involved in the appeal, he may present a separate petition of appeal to the Sudder Court within the said space of four weeks, or within such further time as the said Sudder Court shall allow for that purpose.

Clause 4th. The respondent shall, in such case,

Ground of objection to be filed therewith. file with his petition of appeal, his grounds of objection to that part of the decision to which his appeal relates, otherwise his appeal shall not be received.

VII. Clause 1st. At the expiration of the

Record when to be deemed complete. time allowed to the respondent for filing his grounds of objection, and for filing a separate petition of appeal in the Sudder Court, the record shall be deemed complete, and the case ready to be called up for decision, on any day which the Sudder Court may notify, unless the respondent, within such time, file a separate petition of appeal in the Sudder Court.

Clause 2nd. If the respondent file a separate

Notice of separate petition of appeal to be given. petition of appeal in the Sudder Court, notice shall be fixed up in the Court House of the Sudder Court, to the effect that

the respondent has filed such separate appeal; and the notice shall require the appellant to file any grounds of objection which he may have thereto, within the space of four weeks from the date of the notice.

Clause 3rd. Within such space of four weeks, the appellant may file any grounds of objection which he has to such appeal, or which relate to that part of the decision which is involved in the respondent's appeal. At the expiration of the time allowed for filing such grounds of objection by the appellant, the record shall be deemed complete, and the case ready to be called up for decision on any day which the Sudder Court shall notify for that purpose.

Clause 4th. If the appeal of either party, be dismissed, or withdrawn, the appeal of the other may be heard alone; otherwise the two appeals, and the proceedings thereon, shall form one record, unless the Sudder Court shall otherwise order.

VIII. The respondent shall not be allowed to present a separate petition of appeal in the Sudder Court, if he shall previously have presented a petition of appeal to the lower Court.

IX. Clause 1st. Objections to be distinctly stated, and to be numbered, also to be written on stamped paper.

except in the cases hereinafter mentioned, shall be on paper bearing the stamp duty prescribed by Section XIX

Regulation XIII. of 1816.

Clause 2nd. The Sudder Court may extend the time for filing grounds of objection, either by an appellant or respondent, upon special application for that purpose, and upon sufficient reasons being shown, to the satisfaction of the said Court, for such extension of time. In such case, the objections may be filed within such extended time.

X. Either party may, by leave of the Sudder Court or any Judge thereof, at any time before the hearing, amend his grounds of objection, or add grounds of objection to those filed, upon such terms and conditions, and within such time as the said Court or Judge may order. The said Court

may also, upon the hearing of any appeal, allow either party to amend his grounds of objection, or to add further grounds, or to urge, and be heard by himself or his pleader, in support of any objection not included in his grounds of objection, upon such terms and conditions, as to postponement of the cause, and as to the payment of costs or otherwise, as the Court shall think just, to prevent the opposite party or his pleader from being taken by surprise, or otherwise. Without such leave of the Court, neither party shall be allowed to urge or to be heard in support of any objection not included in his grounds of objection filed. But the Court

shall not be confined to such grounds of objection on deciding the cause.

XI. Clause 1st. The Sudder Court may call up for hearing and decision on any day the Court shall notify, and without regard to the place in which the case stands in the general list of appeals, any grounds of objection filed by the respondent, or the appellant, to the appeal of the opposite party; and the Sudder Court may hear and decide upon such grounds of objection, before calling the case up for decision, upon the grounds of objection to the decision of the lower Court.

Clause 2nd. If the grounds of objection filed by the appellant, and respondent, shall be upon point of law only, and shall not raise any question of fact, the Sudder Court may order the case to be called up for hearing and decision, on any day which the said Court shall notify, without regard to the place in which it stands in the general list of appeals pending in the said Court.

Clause 3rd. If the grounds of objection filed shall raise questions of law and fact, and it shall appear to the Sudder Court, that the decision of the law may render it unnecessary to determine any question of fact so raised, the Court may order the case to be called up for decision upon the law alone, in the first instance, in the manner pointed out in the last preceding Section, and if the decision of the case upon the law, shall render it unnecessary to determine any question of fact, the said Court shall pass a final decision in the case; otherwise the Court shall determine the law only, and the case shall be afterwards set down in the list of regular appeals for hearing upon the question or questions of fact, and shall be determined in the same manner as any other regular appeal.

XII. If any party to a regular suit be desirous of being admitted to appeal *in forma pauperis* to the Sudder Court, the following procedure shall be adopted:

Clause 1st. The appellant shall present his petition to the lower Court according to the rules prescribed by Section I. of this Act, provided that a petition to appeal *in forma pauperis* against any decision passed before this Act shall come into operation, may be presented within three months from the day of the decision.

Clause 2nd. Petitions of appeal by parties desirous to appeal *in forma pauperis*, shall contain a statement to that effect, and also a Schedule of the whole real and personal property belonging to the petitioner, and the estimated value of such property, and shall be written on paper bearing the stamp duty of two rupees per sheet.

Clause 3rd. Upon the presentation of such petition, the notice to the respondent, and the proclamation, shall state that the appellant desires to appeal *in forma pauperis*.

Clause 4th. On arrival of the appeal record at the Sudder Court, the same procedure shall be adopted in that Court as in other cases of regular appeal, except, that after the filing of the grounds of objection by the appellant, and before notice shall be given requiring the respondent to file his grounds of objection, the Sudder Court shall determine, according to the rules now applicable to the determination of such cases, whether or not, the appellant shall be allowed to appeal *in forma pauperis*.

Clause 5th. the Sudder Court allow the petitioner to appeal *in forma pauperis*

Notice to respondent to file objections to pauper appeals. Notice to respondent to file his grounds of objection in the manner provided by Section VI. of this Act, and the same procedure shall be adopted subsequently thereto, as in other cases of regular appeal under this Act.

Rules of Sudder as to pauper appeals to continue in force. Rules of Sudder as to persons admitted by the Sudder Court to appeal *in forma pauperis*, shall continue in force; except where the same are inconsistent with any of the provisions of this Act.

Clause 6th. If the Sudder Court refuse to allow the petitioner to appeal *in forma pauperis*, the said Court may make an order to the effect, that the appellant, upon filing a petition of appeal in that Court upon paper bearing the stamp duty prescribed by Section XIII., and Clause 2, Section XXIII., Regulation XIII. of 1816 may proceed with the appeal, according to the rules prescribed by this Act in the case of persons not appealing as paupers.

Clause 7th. Upon such order being made, the appellant shall file his petition, and re-file his objections upon paper stamped with the stamp duty, required by Clause 5th of this Section, within two weeks from the date of such order, or within such further time, as the said Court may allow for that purpose; otherwise the appeal shall stand dismissed.

Clause 8th. Upon the refiling of the grounds of objection according to the provisions of the last preceding Clause, notice of the order and of the re-filing of such objections shall be given to the respondent in the manner prescribed by Section VI. of this Act, and the respondent shall be required to file his grounds of objection, if any, according to the provisions of that Section. The procedure subsequent to such notice, shall be according to the general provisions of this Act.

Clause 9th. If an appellant shall petition to appeal *in forma pauperis*, his grounds of objection may be written on plain paper.

XIII. If an appellant shall be admitted to appeal or a respondent to defend in *forma pauperis*, all grounds of objection subsequently filed by either party may be written on plain paper.

XIV. No decision shall be reversed or altered,

No decision to be reversed by reason of error not productive of injury, &c. nor shall any case be remanded upon appeal to the Sudder Court, on account of any error, defect, or irregularity not productive of injury to either party, nor opposed to any express enactment contained in the general Regulations or Acts of Government.

Act not to be retrospective. XV. The provisions of this Act shall not apply to regular appeals preferred from decrees passed before the passing of this Act, which appeals shall be subject to all the forms and rules in force previous to the passing of this Act.

W. MORGAN,
Clerk of the Council.

Legislative Council.

12th August 1854.

The following Bill was read a second time in the Legislative Council on the 12th of August 1854.

A Bill to amend the Law of Evidence in the Civil Courts of the East India Company in the Madras Presidency.

WHEREAS the law of evidence administered by the Civil Courts of the Presidency of Fort St. George in Madras, and the rules for the attendance and examination of witnesses and the production of documents in Courts, require amendment, It is enacted as follows:—

I. Section VII. Regulation III. of 1802, Section XX. Regulation IV. of Repeal of former 1802, Clauses 1st and 2nd, Regulations. Section XXIX. Regulation VI of 1816, and Section XIV. Regulation VIII. of 1816 of the Madras Code, so far as they are inconsistent with the provisions of this Act; and Section XXII. Regulation VII. of 1809, are hereby repealed.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal, or proceeding, shall be competent and entitled to give evidence as a witness either on his own behalf or on behalf of any other party to the suit, appeal, or proceeding? in the same manner as if he were not a party

Proviso. to the same. Provided that no party to a suit, appeal, or proceeding, who shall offer himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct having regard to the usages and customs of the country, unless such examination shall be taken under, and subject to the Rules prescribed by Section XXXII. or XXXVIII. of this Act.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the par-

ties thereto, be incompetent to give evidence in any such suit.

IV. A husband or wife shall be competent to give evidence for or against the other provided that the examination shall take place in open Court in such manner as the Court may direct having regard to the usages and customs of the country, or that it be taken and read, and subject to the Rules prescribed in Section XXXII or XXXVIII of this Act; provided also that

Proviso. any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

V. Any party to a suit may be compelled to give evidence as a witness therein and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same Rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided

Proviso. that no Court need to compel the attendance of any party to such suit, for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

VI. After the parties in a suit, in which according to the practice of the Court to appoint a day for the hearing, shall have filed their exhibits and lists of witnesses, the Court shall, by an order in writing, appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether the parties to the suit or not, whom the party filing the list may intend to call as witnesses, or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as witness is required, or without such application, if the Court think fit so to do, may, before making

such order, cause notice to be given to the party or his pleader fixing a day for such party to show cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

X. Clause 1.—In support of the cause shown, the Court shall receive a written declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2. If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be liable to the punishment provided for the offence of making a false allegation in a petition to a Judicial Court, by Section II. Regulation I. of 1832.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

XII. The Court, on the requisition of any party to a suit, or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum

as shall appear to the Court to be reasonable, to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence.

Court may direct a further payment. and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any, to which such Court shall be subordinate. The sum so paid into Court shall be tendered to the witness at the time of serving the summons if it can be served personally. In addition to the sum so paid into Court, the Court before whom any person who may attend in pursuance of a summons or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons or proclamation, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall be bound to give evidence or produce any document until such sum shall be paid.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document, shall require the intended witness to attend at a time and place to be named in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If

witness, whether a party to the suit or not, is required to attend, and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

XIV. Every such summons shall, if possible, be served personally upon the person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

XV. Such service must be made a sufficient time before the time specified therein for his attendance, to allow the witness a reasonable time for preparation, and for travelling to the place at which his attendance is required.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

XIX. A witness, not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title-deeds, unless he shall have agreed in writing with the party requiring the production thereof, or with some person through whom he claims to produce such deeds.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

XXI. A witness, being a party to the suit, shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

XXII. Every witness summoned to produce

Court may call for and inspect, and may also examine witnesses to ascertain the admissibility of a document; if deemed inadmissible, reason must be recorded.

to compel its production, or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it; and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document shall not be produced, the Court shall not disclose the contents thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for by the person, naming him who shall call for its production, that the person having the possession of the document, naming him, objected to its production; and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if

such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence, and decide the case upon such document coupled with the other evidence given in the suit.

XXIII. A barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that

What shall be deemed a waiver by client of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such barrister, attorney, or vakeel, of any such matter as aforesaid, which may be relevant, and which the barrister, attorney, or vakeel would have been bound to disclose, but for the privilege of his client, and the barrister, attorney, or vakeel shall be bound upon examination to disclose any such matter.

XXIV. If any witness, whether a party to a suit or not, to whom any summons to give evidence or produce a document shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons as required by this Act; or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding five hundred rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence, or to sign his deposition, or to produce the document; and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property

Proviso.

no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section XXVII of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant, or petitioner, dismiss the complaint, appeal or petition, with costs against such party; or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex parte*. If any such complaint, appeal, or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal, or complaint in respect of the same matter.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence, or produce a document, shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons; and any person who, being in Court, and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession,

shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding or keeping out of the way as aforesaid, to be recovered in civil action.

XXVII. If a person, whether a party to a suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot,

after diligent search, to be certified by a return of the nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed in the presence, and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode, and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal, to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent,) shall be liable, under an order of the Court, to attachment

Proviso. and sale. Provided always, that when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

XXVIII. Clause 1.—The cost of the attachment
Costs of attachment and proceedings thereon shall be borne in the first instance by the party applying for it, and the Court issuing the summons and at-

attachment shall not proceed to sale of the property, but shall order the same to be released from attachment if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order

the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such defaulter absconding, or keeping out of the way, and such fine, not exceeding the amount in dispute in the suit, as the Court may deem fit to impose upon the witness, having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to

Appeal from order for attachment. appeal in the same manner and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness who may neglect or refuse to attend, or who shall abscond or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case ; provided that when a

Proviso. summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence, or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required ; and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence, and under the superintendence of the Judge, not ordinarily by question and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any

particular question and answer if there shall appear any special reason for doing so, or any party or his vakeel, shall require it. If any question put to a witness be objected to by either of the parties, or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanour of any witness whilst under examination.

XXXII. In cases where the evidence is needed

Evidence of purdah women. of females, who, according to the custom of the country, ought not to be compelled to

appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person, to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels, to cross-examine, anything in Section V., Act VII. 1841, to the contrary notwithstanding.

XXXIII. On or before the day appointed for

On or before the day fixed for trial the hearing may be postponed. Notice thereof to be given to witnesses—in certain cases witnesses actually attending may be examined.

payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner as if such notices had been expressly mentioned in such provisions. If the application be too late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

XXXIV. Unless the hearing be postponed in

Trial how to proceed. manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority, will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall unless there be good and sufficient reason to the

contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties or such of them as desire it shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the arguments and evidence, the Judge shall record his judgment under Act XII. of 1843.

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders or recording the judgment, shall think it necessary for the ends of justice to inspect any document or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness, to give evidence, or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court, or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section XXXII. of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case, may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

XXXVI. The Judge may cause public notice to be given in Court, either to remain before or during the examination of any witness, requiring all or any other witnesses, whether parties or not, who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any

Penalty for disobedience. witness in a cause who, without lawful excuse, shall wilfully remain in or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal, or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time

By what rules a party is to be examined and how punishable for false evidence. being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, Interpretation of word "witness" in Act VII. 1841, shall respectively include any party or parties to a

suit, and the said Act shall be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided that the

Proviso. deposition of a party taken

under the provisions of this Section, at the instance of any opposite party, may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section V. of the said Act. Provided also that no deposition of any party taken under the provisions of this Section shall be read or used in evidence unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion, or any reference to the suit, at so great a distance from the Court, that in the judgment of the Court it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence, in which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read

under the Section next preceding.

XL. If any party to any such suit as aforesaid shall, in any pleading or statement, refer to any document in his possession or power, as a material proof or document in support of his claim or defence, he shall file such document with the pleading or statement, unless the Court shall, for good and sufficient cause, extend the time for filing the same; and any adverse party shall be entitled, by himself or his vakeel, to inspect and take a copy of the document.

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the subject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company, and shall include any Judge or other Officer or person mentioned in Section II. of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any Officer or person having, by law, or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section II.; the word "witness" shall include all persons competent and liable to give evidence, whether parties to any suit or proceeding, or not. Words importing the masculine gender or singular number shall include the feminine gender or plural number, and vice versa.

XLII. This Act shall come into operation on the

Act when to operate.

W. MORGAN,
Clerk of the Council.

Legislative Council.

19th August 1854.

THE following Bill was read a second time in the Legislative Council on the 19th of August 1854, and referred to a Select Committee, who are to report thereon after the 23rd of November next:—

A Bill for the further Improvement of the Law as administered in Her Majesty's Supreme Courts; for the transfer and abridgment of the Ecclesiastical Jurisdiction thereof; and for giving additional powers in certain cases to Justices of the Peace, with regard to offences committed out of their jurisdiction.

I. The business of Her Majesty's Supreme Courts, after this Act comes into operation, shall be transacted on four divisions or sides of the Court only, *viz.*, the Plea, the Equity, the Admiralty, and the Crown sides.

II. In any suit brought on the Admiralty side of any of the Supreme Courts, or in any Vice-Admiralty Court in the Territories subject to the Government of the East India Company, which is likely to involve any question of nautical skill, the Court shall have power to summon from persons possessing such skill one or more, not exceeding three in number, to sit as Assessor or Assessors to the Court on the trial of the cause; but such Assessor or Assessors shall not be required to deliver his or their opinion or opinions publicly; and the Judge or Judges may retire and confer with him or them in private, and the decision of the case shall rest with the Court.

III. The Court shall have power to allow a remuneration to each Assessor for his attendance, at the rate of one Gold Mohur each a day, and such remuneration shall be in the first instance payable by the Promovent, as part of his costs in the cause.

IV. The Assessors must swear, or solemnly affirm, or must affirm as the case may be, that they will give their opinion honestly and truly according to the Evidence.

V. The jurisdiction which the said Supreme Courts possessed prior to the passing of this Act on their Ecclesiastical side shall cease on that side and be transferred entirely to the Equity side of the Court, except as to suits pending at the time when this Act comes into force, and the jurisdiction as to matters of Ecclesiastical

Jurisdiction shall be limited to Causes Testamentary, including Administrations and Causes Matrimonial. Provided that in any suit for restitution of conjugal rights, the Court shall be at liberty to limit its sentence to one for alimony, without making any order to compel cohabitation.

VI. The procedure as to matters which were of Ecclesiastical cognizance, and which are directed to be transferred to the Equity side, shall be that which may be in force on the Equity side, modified by the Rules and

Orders of the Court, so far as it may require to be modified in order to give effect to this Act.

VII. When any Probate or Letters of Administration has, or have been granted by any one of the said Supreme Courts in one Presidency to any other person than the Administrator General of such Presidency, respectively, and there are Assets

of the Estate in any of the other Presidencies, it shall not be necessary to obtain any fresh grant of Probate or fresh Administration in any other of such Presidencies, but the one first granted shall operate throughout the territories of British India, and shall, as to any Assets therein, be of the same force and effect as if it had been granted by the authority of the Supreme Court of the Presidency in which such Assets may be.

VIII. Clause 1st. When any Letters of Adminis-

tration granted by any Supreme Court after grant of Probate or Letters of Administration by the Supreme Court of another Presidency, may be revoked.

Letters of Administration as the case may be, such letters shall be liable to be revoked by the Court granting the same on the application of the Executor or Administrator under the first grant;

But acts of Administrator under the second grant to be in the meantime valid, &c.

ministrator under

Administrator under second grant to be accountable after revocation to Executor or Administrator under first grant.

hands to be distributed.

Clause 2nd. When Administration, or Adminis-

tration with the Will annexed, shall have been granted ex-officio to the Administrator General of one Presidency, and there are Assets belonging to the Estate in another or other Presidencies, respectively, to collect and distribute Assets in each, without applying for fresh grants to the Courts of their respective Presidencies, saving rights as to Commission.

Assets within his Presidency, in the collection and distribution of them, in like manner as if he had taken out Letters of Administration in the Presidency in which he is Administrator General, and each shall be entitled to his Commission on the Assets collected and distributed by him, as though there had been separate grants of Letters of Administration to each; and the Letters of Administration to the Administrator General, by virtue of his office, shall be expressed so as to give to each Administrator General in each Presidency the right to collect and distribute the effects in his Presidency, and each shall be answerable for his own acts and defaults only, and not for those of any other Administrator General. And when any Administrator General has taken out Letters of Administration, and he has reason to